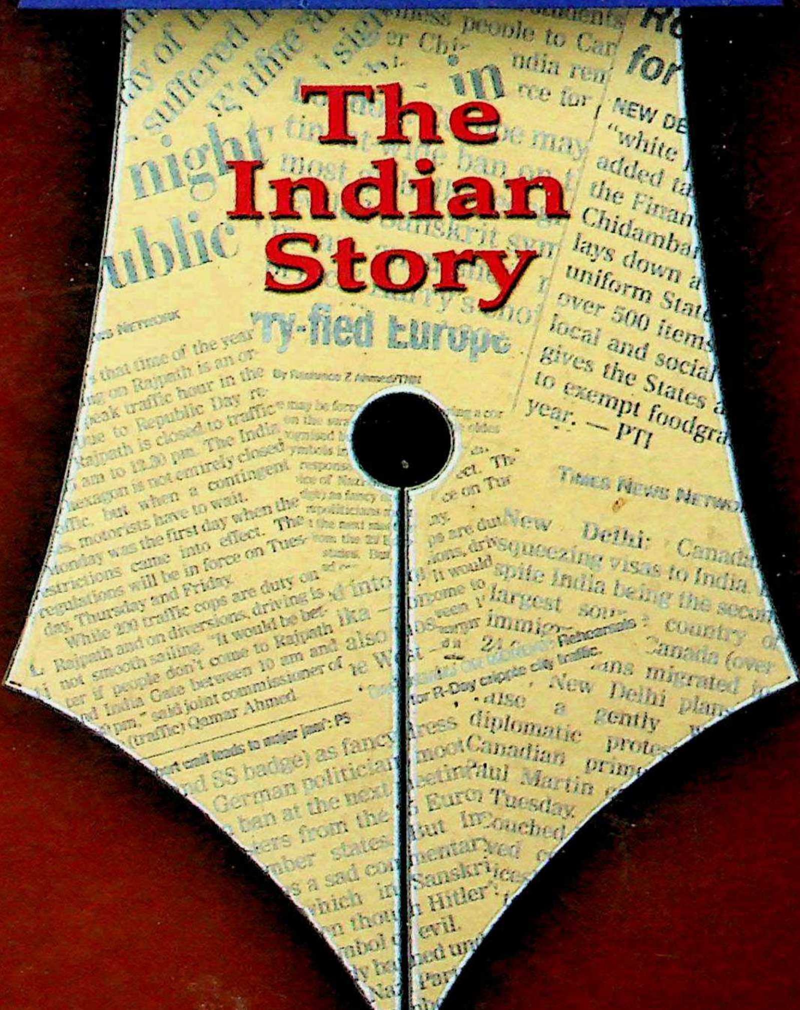
PRESS FREEDOM

The Indian Story



K. G. JOGLEKAR

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K.G.JOGLEKAR

With blessings
and
best wishes
from:
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To

Vimal

My wife

PUBLISHER'S NOTE

Here is a book which discusses many issues relating to the freedom of the press. Freedom of press may appear to be a simple proposition but it involves a number of arguable issues - freedom for whom - freedom for the editor or freedom for the publisher or freedom for the masses of readers? Undoubtedly a free press plays an important role in a democracy. Its track record in India has also been commendable, both in our Freedom Struggle as well as in the making of a modern India.

The author raises several questions on freedom of expression, free press and delinking the press from Big Business etc. He has also traced the struggle for recognition of the freedom of press in India as well as in some other countries. The book is both analytical and anecdotal in nature and therefore is subjective at many places. The author has of course worked out his own solutions to some issues. But the debate is still open-ended. This book is an honest attempt at supplementing the continuing discourse based on the first-hand experiences of the author, a veteran Journalist and writer of several books.

And that's what Press Freedom is all about!

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PREFACE

One writes a book because he feels he has something to say - a new approach if not a new theory to be aired or some myth to be exploded. He spends months if not years, thinking about the book, collecting material for it, collating it with his own experience, gathering his thoughts, putting them on paper, revising one draft after another, removing the discrepencies, and making the final product ready.

Yet doubts assail the author. Are the conculsions logical and rational? Has he trodden on any sensitive corn? What will be the reaction ? Will some wise critic ask ' who is this upstart writing on a subject on which there has been a conspiratorial silence for decades ?

It is now too late to think about these matters. The book is ready for whatever it is worth. In 1945, when much against the will of my father, I decided to make journalism my career, India had a galaxy of assertive nationalist editors. But the area of their assertion was limited mostly to politics. A few business and industrial tycoons who had entered newspaper publication did so as their contribution to the struggle for independence from British rule. There was no conflict among the owner-printer-publisher and the editor.

The picture began to change soon after Independence. The first Press Commission took note of the danger of capitalists taking over control of the press. So did the Second Press Commission and numerous other committees. No solution could be found to 'delink' the press from the industrialists.

Till the early seventies of the last century the Government spoke about the dangers of capitalists controlling the press. They do so no longer. This is because of the change within the newspaper industry as also its relationship with the Government. The proprietor has moved centre stage and occupied the position once occupied by the editor. Many proprietors have taken over as editors. The Government and political parties were quick to notice the change.

The new breed of proprietors found the newspaper as a useful tool to further their other commercial enterprises or to advance their political ambitions. The policy was laid down more and more with this objective in view. The editor, once a kingpin of the newspaper, was in many newspapers reduced to the position of a cog in the wheel. Certainly an important cog but then only a cog! Some one may legitimately ask how does it matter if the decisions in a newspaper are no longer taken by the editor but by the proprietor? The answer is simple. The press is treated on a different footing from other manufacturing industries because it renders yeoman's service to democracy by keeping the citizens well informed. An editor without any personal ambitions or an axe to grind is far more likely to present a balanced and unbiased picture than a proprietor who looks at the newspaper just as a useful tool to further his interests. If the readers get this 'filtered' material over a long period, their approach to issues is bound to be biased.

There is also another side of the picture. A big newspaper today needs huge capital to launch. It provides employment to hundreds of people. Will it be fair to expect the proprietor to risk all this only for the sake of the indepedence of just one person, the editor; how-so-ever gifted ? Is it neccessary or desirable to delink the newspapers from big industry. Views differ. It is a knotty problem which has defied soultion for more than 50 years. It will be presumptuous to give a readymade solution. However, the question needs a thorough discussion. I have tried to work out a solution but I know that is not the only solution.

I discussed the subject of the book, its approach and contents with a number of friends connected with the media. They included Mr. Ajit Bhattacharjee, Mr. A.N. Dar, Mr. Inder Malhotra and Mr. G.S. Bhargava, to name only a few. I found their suggestions helpful.

In 2003, the *Hindustan Times* published a series of articles on the 'State of Media'. The contributions by a cross section of people - Journalists, advertisers and managers were very illuminating.

A suggestion was made that the book should also touch on the question of autonomy for the electronic media. I did not do so far two reasons. Firstly, it would have taken the book far away from its original focus. Autonomy for the electronic media is a question fit for a separate book. It would be unfair to dispose it off just as a chapter in this or any other book. The second reason was much more basic. It is my view that it is wrong to equate the freedom of the press with autonomy for the electronic media. The press has a long history of struggle against autocratic rulers for its rights and the rights of the people. The electronic media has no such history. The Radio came into being during the second World War as a weapon of propaganda for reaching out to the people behind the enemy lines. Television is a recent product. Because of the infrastructure they need, neither can be totally free from Government nor can they afford to be indifferent to national interests. During the Gulf War in the early nineties, American television networks which claim to be independent allowed themselves to be used for propanganda. They saw only what the army wanted them to see and generalised. It was much later that it was found that some of the pictures they circulated were not at all truthful.

I hope this book goes towards some understanding of the issues involved, among readers and practitioners and keeps the discourse on Press Freedom, alive.

K G Joglekar

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REALITY OR MYTH ?

Freedom of the Press, it is universally accepted, is the cornerstone of democracy. The expression is often used but it is rarely discussed or analysed. Why is it necessary for the functioning of democracy? There is the Constitution, which defines the structure of democracy. The legislature elected by the people makes laws in keeping with the Constitution. Then there is the judiciary, which has the power to examine whether a law made by the legislature is in consonance with the Constitution. It steps in when it finds that any piece of legislation violates the Constitution, or infringes on the rights of the citizen. The judiciary also protects the citizen from excesses by the executive. All these, the three pillars of a Government, have the sanction of the Constitution or of law.

The press has no such constitutional or legal sanction or charter. The concept of freedom of the press has evolved over centuries through a painstaking process. England takes pride in bringing forth the idea of the freedom of the press. But there was a time when freedom of the press was not encouraged there. Lord Scroggs who became Lord Chief Justice in 1678 observed that to publish a newspaper was to commit breach of peace. But gradually things changed and the concept of freedom of the press gained acceptance.

The first amendment of the Constitution of the United States prohibited Congress from making any law abridging freedom of speech or of the press. But it did not define what was meant by the freedom of the press. The Constitution of India guarantees freedom of the press not directly but by implication as part of the right of every citizen to express his views freely. This was the opinion expressed by the Law

Minister, Dr B.R.Ambedkar, who piloted the Constitution in the constituent Assembly. Successive judgements by the courts have endorsed this view.

Since there is no specific mention in the Constitution of the special role of the press in a democracy, when the press claims that it is the watchdog of democracy and the protector of the rights of the citizen, the three pillars of the State--the legislature, the judiciary and the executive may ask, 'Who gave you this role? Where is your mandate and by whom was it given?' They are right. The legislature derives its authority from the mandate given by the people and renewed every few years. The judiciary has the mandate given to it by the Constitution. The executive performs its duties under the Government formed by the elected representatives of the people. It is expected to function within the limits set by the Constitution and the laws of the land. All these three have a charter of duties and rights, which is largely defined.

Not only does the press have no such charter, even in countries like the United States where freedom of the press was guaranteed by the very first amendment to the Constitution, the concept was left vague. It was not defined. Freedom for whom and from whom? Then again what is the press -- the publisher-owner, the editor or the individual journalist working in a newspaper? Neither was it clearly mentioned why this freedom of the press was so essential. It was left to the courts to say why freedom of the press was necessary for the functioning of democracy and to define the parameters of this freedom. The framers of the Indian Constitution got round the difficulty of defining much less on elaborating, the concept of freedom of the press by viewing it in the larger context of the right of the citizen in a democracy to express his views openly and freely. To many that sounded like ignoring the role of the press but actually it gave freedom of the press a much larger perspective and horizon by making it a part of the much larger freedom of every citizen in a democracy. Above all, it avoided the creation of a new class of citizen, those working in the press, who would have had greater rights than other citizens. That would have violated the basic principle of equality of all citizens before the law.

Apart from the pronouncements of the courts, the reports of commissions appointed in democratic countries went a long way in defining the freedom of the press and its importance in making the functioning of democracy successful. The Mc Gregor Commission in the U.K. said "The democratic form of society demands of its members active and intelligent participation in the affairs of their community. It assumes that they are well informed about the issues of the day to be able to form the broad judgement required on the election, and to maintain between the elections vigilance on those governors who are their servants and not masters. More and more it demands also an alert and informed participation not only on purely political processes but also in the efforts of the community to adjust its social and economic life to increasingly complex circumstances. Democratic society needs a clear and truthful account of events, of their background and their causes, a forum for discussion and informed criticism, and a means whereby individuals and groups can express a point of view or advocate a cause."

It is because of this role of the press in a democracy that its freedom is considered sacrosanct. The American Commission on the freedom of the press likened the newspaper industry to a public utility or a public carrier. Endorsing this view, the First Press Commission of India observed in its report in 1954 that news and views which newspapers sell, serve not only an informative aspect but also an educational and propaganda aspect. Newspapers influence public opinion, conduct and action in political, social, economic and cultural fields. Endorsing this view the Second Press Commission set up in 1977 said that people have a vital interest in the accurate and fair presentation of news and views. The news and views which newspapers carry have a vital public interest that needs to be safeguarded. Whereas profit motive may operate in the case of other industries, it may require regulation in the case of the newspaper industry. Taking these together, there can be no doubt that a newspaper is essentially a public utility item and whatever may be the ownership of newspaper, the exercise of ownership rights has to be subject to some measure of restraint and regulation. Public interest is the criterion that should regulate the activity. It is because of this important role that newspaper publication has a higher status among the various lines of businesses and journalism has a special position among professions.

It is quite true that in India unlike the legislature, the judiciary or the executive, the press has no mandate or sanction given either by the Constitution or by law. But that by itself gives it the resilience necessary to meet changing situations. It is true that sometimes when the press changes its attitude according to the way the wind is blowing, the resilience turns into opportunism but then if the resilience were not there the press would become a rigid institution divorced from the realities of the ever-changing situation.

The nature of both-- the Government and the press has changed drastically in the years since independence. Earlier, during the British rule the Government concerned itself mainly with the maintenance of law and order, preserving its hold over defence and protecting the country from external aggression. Education and health were considered of secondary importance and development, as an aim was unknown. The Government of independent India has today become an active participant in a wide range of economic activity. It is true that the days of the reckless nationalisation and concentration of economic power in the hands of the Government are over and India has embarked on an open economy, yet it still continues to be a major player in the fields of economy and industry. This has made it all the more necessary for an agency to keep a vigil on the activities and the decisions of the Government at various levels. The sickening regularity with which one scam after another is coming out in the open provides enough justification for a vigilant and free press.

The nature of the press has also changed. In the years before independence, publication of a newspaper was not only not lucrative but was also dangerous. Most newspapers were one man or one family enterprises and the same person combined in himself the roles of editor, printer and publisher. Very few businessmen ventured into this minefield where the chance of profits, if made at all, were low but the dangers were plenty. Things changed after independence. Circulation of newspapers and the revenue from advertisements grew far beyond expectations. Newspaper publication became a profitable line of business.

Much more important was the unseen benefit that democracy conferred. Since governments were formed on the basis of the success in elections, the newspapers came to be considered as a powerful means of influencing public opinion. The degree to which the people depend on what they read in newspapers while casting their votes is a matter of discussion and difference of opinion. But there is no doubt that the newspapers play an important part in moulding public opinion if it continues to advocate a particular line of thought over a period of time in a persuasive manner.

Publication of newspapers was not only now more profitable, but what was more important, the industrialist-businessman found that a newspaper in his hands was a useful and powerful means of influencing the Government. There is a difference of opinion about the extent to which the policy of a newspaper was influenced by the interest of the proprietor in other industries and businesses. The majority of the members of India's Second Press Commission were of the view that the linkage between big business and newspaper publication made such newspapers the conveyors of the ideology of their owners and thereby made them the strategic cultural arm of their other businesses and industries. The minority however did not agree with this formulation. The members, who were in a minority, it may be mentioned, included some eminent editors with experience of actually working in big newspapers having links with industrial houses.

Successive governments from the days of Pt. Jawaharlal Nehru have been concerned with the danger of concentration of newspaper ownership in the hands of a few persons particularly big industrialists and businessmen. There is always the danger that some of those in whose hands the power is concentrated may indulge in practices harmful to the health of the society. The second Press Commission had observed that freedom of the press would be in danger if employed for a purpose for which it was never intended. In the words of the Commission "In a system of adult suffrage freedom of the press becomes meaningless when it is not known on whose behalf and for whose benefit this freedom is exercised." No solution has been found to this question because it involves not only numerous pieces of legislation but also the Constitution of India. Naturally governments have been unwilling to touch the hornet's nest by taking up this question.

Like the three established pillars of the State-- the legislature, the judiciary and the executive--the press also claims to act on behalf of the people or rather the common man. Yet what opportunity does the common man have to express his views through the press? The publication of a newspaper now needs a lot of money and much more so if the newspaper is to have a good circulation. The citizen has therefore perforce to depend on newspapers, which are already being published and have a good circulation. However, there is little chance of his views being published if they are against the policy of the newspaper. Two arguments contradicting each other emerge. The first is that since the press is a public utility should not a newspaper be available to every citizen to express his views? But then can a newspaper editor be compelled to publish every view how so ever unreasonable or illogical it might be?

The freedom of the press may seem a simple proposition but involves these and many such issues. These have to be discussed though it may not be easy to find the answers. The basic question is whose freedom is it when we talk of freedom of the press? Freedom for the editor who is becoming increasingly inconsequential in the present set up of the newspaper? Or is it freedom for the publisher, -owner who often duplicates as the editor and even when he does not, wields the real power?

Till the eighties of the last century every Minister of Information and Broadcasting talked of the need to de-link newspaper publication from large businesses and industry. The issue has receded to the background in the new atmosphere of an open economy. However, it cannot be wished away by pushing it under the carpet. The concentration of ownership of newspapers in the hands of a few will increase as big newspapers become bigger and more and more industrialists and businessmen begin to realise that it is advantageous to have a newspaper in their hands. The problem before the nation and its Government is to resolve the conflict between two rival interests -- the right of the citizen to have the opportunity to express himself freely and the right of the newspaper to decide what it will print or reject.

THE MOTHER OF ALL FREEDOMS

A free press is a distinctive feature of a democratic society. It acts as a shield against misrule. The press, which earlier meant only the print medium, and now includes radio, television and Internet is almost the only source on which the citizen depends for news about what is happening around him. This helps him in forming his opinion about men, women and matters. On the basis of the opinion that he forms, the reader or listener decides how and for whom he would vote when the time comes. The press thus helps the citizen play his role of participating in the governance of the country.

Since the people living under a dictatorship whether monarchic, political or religious, do not have the right to decide, they do not have a free press. Or to put it bluntly, the autocratic ruler ensures that they do not have the luxury of a free press. The press, radio or television in countries under an autocratic rule are told that they have all the freedom to write, publish, broadcast or telecast what they like, provided it is in keeping with what the ruler wants them to say. Many reasons are advanced in favour of this, the most common being that the ruler alone knows what is best for the people. The other argument is that material which might lead to discord or tension or which might harm the interests of the common man had to be stopped. And, who if not the ruler, is the best person to decide what may lead to discord or is not in the interests of the common man?

Stalwarts of the likes of Sir Winston Churchill, Nehru and Gandhi have emphasized the role of a free press in a democratic setup. Churchill called a free press "the unsleeping guardian of every right that free men prize." Nehru observed, "To my mind the freedom of the press is not just a slogan from the larger point of view but it is an essential attribute of the democratic process. I have no doubt that even if the Government dislikes the liberties taken by the press and considers them dangerous, it is wrong to interfere with the freedom of the press. I would rather have a completely free press, with all the dangers involved in the wrong use of that freedom, than a suppressed or regulated press."

Nehru lived up to the promise contained in this. It is well known that he did not approve of Durga Das who was for a long time the doyen of the press corps in New Delhi, for his writings in *the Hindustan Times*. However, when someone suggested that he be removed, Nehru categorically said, "No. Because that will confirm all that he has been writing."

While emphasizing the importance of a free press in a democracy, Nehru observed, "There is no such thing as abstract freedom. Freedom is always accompanied by responsibility. Freedom always entails an obligation, whether it is a nation's freedom or an individual's freedom or a group's freedom, or the freedom of the press. Therefore, whenever we consider the question of freedom, we must also inevitably consider the responsibility that goes with freedom. If there is no responsibility and no obligation attached to it, freedom gradually withers away. This is true of nation's freedom and it applies as much to the press as to any other group, organisation or individual."

Mahatma Gandhi was also keen that the press must be as aware if not more about its obligation to society as about its own freedom. He said, "the sole aim of journalism should be service. The press is a great power, but just as an unchained torrent of water submerges whole countryside and devastates crops, so an uncontrolled pen serves but to destroy. If the control is from without, it proves more poisonous than want of control. It can be profitable only when exercised from within...Nothing less than the highest ideals, the most scrupulous anxiety to do right, the most accurate knowledge of the problems it has to meet, and a sincere sense of social responsibility will help journalism and the society as well."

Statesmen, and savants all over the world recognise the importance of a free press for democracy. The constitution of the United States expressly guarantees freedom of the press. Britain has no written constitution and the concept of freedom of the press has evolved over a period of time through judgements of courts and as part of the struggle of the people for their rights. The Constitution of India does not mention freedom of the press in so many words but guarantees it by implication. All democratic countries do so in one way or the other. Autocratic governments consider a free press not only a luxury but also a danger to their existence. They take shelter behind 'the good of the people' or the 'need to maintain law and order' to place restrictions on the press. A typical example of this is Article 39 of Saudi Arabia's Fundamental Law, which says, "The media and publishing houses, as well as other forms of expression, must respect the words and laws of the State... Publication of anything that might lead to internal rifts or struggle, or that might harm state security or foreign relations, is forbidden in accordance with the law."

Saudi Arabia is not the only country where there is no free press. There was no freedom for the press in the U.S.S.R. Details are not available about the freedom of the press in all republics, which have been formed after its disintegration. But one will not be far wrong in saying that China and countries under Communist rule, or countries where fundamentalists of one hue or the other are in power have no use for a free press.

A study conducted by Freedom House, a non-partisan civil rights organisation in the United States showed that in the year 2000, more than one-third of the world's population lived in countries with restrictions on the media. People living in 62 countries where 36 per cent of the world's population lives do not have a free press because of interference by the Government or for other reasons. There are no major restrictions in 72 countries where 21 per cent of the world's people live. There are some restrictions in the remaining countries. What is more significant is that there had been a serious setback to freedom of the press in countries like Russia and China!

One has to go back to even earlier times. The *Rig-Veda*, possibly the oldest compilation of hymns gives us this message: 'Let noble thoughts come to us from every side'. Fearless search for truth, through free enquiry, critical investigation, a frank discussion and exchange of views is also the teaching of the *Upanishads*. Gautam Buddha commended a system where the people, collectively through logical discussion and interchange of ideas, take decisions. He told his disciple Ananda, "So long as the *Vrijians* hold their full and frequent public assemblies, so long as they may be expected not to decline but to prosper." One of the wisest and greatest leaders of men that the world has seen had propounded more than 2500 years ago the basic principle of democracy— that decisions should be taken by people after thorough discussions so as to reach a consensus. The old republics vanished long ago. But in the villages of India and the neighbouring countries, the village *panchayat* even today settles disputes after giving a patient hearing to all concerned people. Significantly, the *panches* are referred to as *panch parmeshwar* (arbitrator gods). Their verdict is not challenged and is accepted gracefully by everyone. The importance almost bordering on reverence with which the people look on the *panchayat* is because of the conviction that the ruling is given after everyone had been heard, all views had been expressed and had been accommodated as far as possible in the verdict.

It is possible for people living in a village or a small town to come together frequently and discuss matters affecting them. But it is almost difficult for people living in the cities to do so, or to discuss the problems. This problem has been overcome by the newspaper. The technology of printing made it possible for a large number of copies to be printed at low cost. Newspapers took advantage of this technology and with the facilities provided by electronics and communication media to reach even distant corners, the press became powerful. Edmund Burke called it the Fourth State, more powerful than the other three— the Church, the Lords and the commons. It became an industry in itself, national in outlook, but global in performance. The question naturally arises why should the press have greater freedom and special privileges? Why should the owner of a newspaper have greater rights just because he produces and sells a newspaper and not soap? Why should the editor and other journalists have greater freedom and protection than say lawyers, doctors and teachers?

The answer lies in the fact that while people practising other trades or professions certainly play a useful role in society, their contribution to the working of democracy is incidental and peripheral. A teacher when he educates his students, a physician when he treats his patients, or the lawyer when he helps his client secure justice, play an important role but the benefits that they confer are primarily on the students, the patients and the clients. The benefit to society at large comes about only in an indirect way. On the other hand, profit is not the primary objective that a publisher has in mind or should have in mind, or wages are not the first consideration in the mind of a journalist. Both consider publication of a newspaper as a mission, not just a line of business for the owner/publisher, or just a means of livelihood for the editor/journalist. What is the basis of this feeling of superiority over other trades and professions?

Press Freedom in a Wider context

One has again to go back to the teachings of the *Rigveda* and *Gautam Buddha* to find an answer to this question. A democracy confers many rights on its citizen and also lays down the means by which he can secure, enjoy and preserve these freedoms. These include equality before the law, the freedom to practice any trade or profession, to move about freely and to worship according to his religious belief. The most important freedom of a citizen in a democracy is the right to express one's convictions and opinions and also to seek, receive and impart information and ideas, either orally, or through the press, electronic media or by other means. Courts have also held that publication and circulation are also covered by this freedom. It is in reality the mother of all freedoms. The press as an institution has emerged as the single largest agency to exercise this freedom.

The electronic media and particularly television has emerged in recent years as the principal means of mass communication in the west and is fast doing so in India. Whether it can also enjoy the same freedom as the newspaper, is a matter which is relevant but outside the scope of this book. Suffice it to say that freedom of the press is derived directly from the much larger concept of freedom of speech and expression. It is not an end in itself but a means to better governance and a better society. It helps an individual to play his rightful role in a democracy, helps in finding the truth, helps evolve a structure, which ensures both stability and also brings about the change by a process of consensus and evolution. Above all, it keeps the people well informed and vigilant about their rights, duties and responsibilities. The Supreme Court of India observed "freedom of speech and the press lay the foundation of all democratic organisations, for without free political discussion no public education, so essential for the proper functioning of the processes of popular Government is possible."

What exactly does one mean by freedom of the press or more correctly freedom for the press? Like any other citizen, every publisher and journalist has the right to place his ideas before the people. But if he publishes anything, which is improper, mischievous, or illegal, he must also be prepared like other citizens to face the consequences of his action. All that is meant by freedom of the press is that there is no restriction on the press about what it can and cannot print, but once something is published the law of the land comes into operation. The parameters differ from one country to another. In India, freedom of expression is guaranteed only to Indian citizens while in the United States of America, Congress can make no law placing restrictions on the press. Freedom of the press, in the U.S. A. is therefore guaranteed to everyone, citizen, or non-citizen.

Evolution of the Concept of Press Freedom

One has to look at the history of England to trace the development of the concept of freedom of the press. In 1215, when King John signed the Magna Carta, he not only surrendered some of his autocratic powers to the nobles, but also set in motion the process of gradual transfer of power to the people. The Bill of Rights of 1689 and legislative measures which followed, gave the people of England among other things freedom from arbitrary arrest, the right of trial by jury and freedom of speech and protection of life, liberty and property. The balance of power shifted first from the King to the Lords and then from the Lords to the House of Commons elected by the people. The invention of printing in the latter part of the 15th century and the emergence of newspaper in the 17th century took the process a step further. The newspapers took up the cause of opposition to the exercise of absolute power by the monarch. The Government tried to stifle the voice of dissent in various ways but failed.

However, the journey towards a free press was not smooth. The press had been on the side of the House of Commons in its struggle against autocratic rule but the House of Commons placed control of the press on statutory footing by enacting the Licensing Act which made it necessary for a publisher to obtain a licence before starting a newspaper. The act was allowed to die a natural death but only after there were large scale protests against prior licensing. It may sound amusing but it is a fact that for a time even the proceedings of the House of Commons could not be reported as such by newspapers. They had to do it in a roundabout way. It was only after a struggle, which went for three decades that this restriction was removed.

The basic principle of freedom of the press accepted in Britain (and also in independent India) is that there is no restraint or censorship before publication. However, the writer or publisher of any matter is subject to the law of the land as is any other citizen of the country. While prior restraint meant infringement of the freedom of thought and expression, subsequent punishment for violation of law takes into account the misuse of liberty of the press and thus indirectly protects the liberty. In brief, the freedom of the press means freedom to print whatever is not expressly prohibited by law but if something is published which is improper, mischievous or illegal, the publisher should be prepared to face the consequences.

U.S.A -- The first amendment of the constitution of the United States of America prohibited Congress among other things from making any law, which abridges freedom of the press. The underlying principle behind this restriction is that the widest possible dissemination of information from various sources, sometime even contradictory, presented to the people a wide range of ideas and helped them in forming their opinion. The 14th amendment, among other things, made the first amendment binding on the States. The United States was still emerging as a nation in the 18th century and the press as an institution was still to develop. The amendment guaranteeing freedom of the press was a bland statement. It did not say what was meant by freedom of the press and who was to exercise that freedom. The U.S. Congress however listed the benefits of a free press. It said that press freedom would mean "besides the advancement of truth, science, morality and arts in general, in its diffusion of liberal sentiments in the administration of Government, its ready communication of thoughts between subjects, and consequential promotion of union among them, whereby oppressive officials are shamed or intimidated into more honourable and just modes of conducting affairs."

The press in the United States is more zealous in guarding its independence than possibly in any other country. It refuses to accept largesse in any form not only from the Government but also from political parties. But the way in which the correspondents allowed Government propaganda to be used as news during the Gulf War in 1990 and the invasion of Iraq in 2003 has raised doubts about its independence; 'embedded' correspondents, photographers and cameramen travelling with

American and allied troops, often carried propaganda in their despatches. It was only much later that this was discovered.

The founding fathers of the American constitution felt that 'a free press acts as a watchdog of the rights of the people guaranteed by the constitution and thus provides direct benefits to the people'. The United States was still in its infancy as a nation in the 18th century. The press had also not yet developed into the giant monolith that it is today. More than 100 years had to elapse before the United States became a world power and its press a major force in national affairs. It did not therefore elaborate on the parameters of freedom of the press or that of the people who were to exercise this freedom.

The last two centuries have answered most of these questions. Freedom of the press in the United States has come to mean freedom from censorship and freedom from curtailing circulation of dissemination of news in any form. All steps in the process of gathering of news, its printing and distribution are among the matters included in the freedom of the press. Newspapers in the USA were not placed under censorship even in times of war.

Canada – Section 2 of the Charter enacted in Canada in 1982 not only guarantees the rights of the individual to freedom of thought, belief, opinion and expression but also ensures freedom of the press and other media of communication. Freedom of opinion and expression is universal in Canada. Section 2(b) of the Charter says that everyone has the fundamental freedom of thought, belief, opinion and expression including freedom of the press and other communication media.

Section 1 of the Charter however says that the fundamental rights and freedom are subject to such reasonable limits prescribed by law as can be justified in a free and democratic society.

It is thus clear that while the importance of the freedom of the press and the right of the individual to express himself freely is recognised the freedom is not absolute. The freedom of the press and the rights of the individual have been carefully balanced so as to ensure that freedom does not degenerate into license.

Sweden – The basic principle behind the Law of the Freedom of the Press promulgated in 1810 was that the press should have the freedom to report all kinds of news and express all kinds of views. Later, legislation about freedom of the press was given protection of the country's constitution. The freedom of the press is to be used for keeping the citizens well-informed about the happening in their neighbourhood, their country and the world. The press also conducts an honest debate with a view to improve society.

France -- The French National Assembly passed the famous resolution on freedom of the press as long ago as 1789. The French Revolution which resulted in the overthrow of the monarchy in France, was motivated among other things by the demand of the people for liberty and civic rights. The resolution passed in 1789 says, "The fair communication of thoughts and opinions is one of the most precious rights of mankind. Therefore, every citizen may express his views by words, writings and printed matter but he will be held responsible for any misuse of the liberty in the cases fixed by law."

This then in brief is the principle governing freedom of press in some of the leading western democracies. There is no restriction on the matter to be published prior to its printing and publication but once something is published the law takes its course. Journalism or newspaper publication should be treated as an institution for the welfare of society, neither to be patronised nor prejudiced but treated at par with other citizens exercising the rights of free expression of views.

It will be useful to see how the concept of a free (or an un-free) press has evolved in some other countries. After the disintegration of the Union of Soviet Socialist Republics, a number of independent republics came into existence. There is a marked difference in the freedom that the press in a new republic enjoys. In some republics, the freedom is almost the same as in the western democracies but in others, the press continues to be shackled. Similarly, not all countries in the Commonwealth have the same standard of freedom of the press. In countries, which have seen widespread violence because of civil war or external aggression, freedom of the press, is a casualty. So is it in the Communist countries or countries ruled by fundamentalists.

Africa – There are other factors also which inhibit not only the freedom but even the growth of the press. It needs an effort to believe that there are less than 150 newspapers in the huge African continent. These are mostly in the coastal cities. In almost all major African countries, the press has been buffeted and battered by dictators. The newspapers are small, and short of captial. The circulation is low and revenue from advertisements is small. Poverty and widespread illiteracy are deterrents in the way of growth. Newspapers controlled by the Government or political parties dominate the field. Independent publications are forced to fold up or have to fall in line. In additions to these barriers, wide social contrasts, poor literacy and poverty also restrict the growth of the press.

In **Europe**, freedom of the press is guaranteed by the Constitution in Austria. So it is in Belgium, where censorship on the press can never by imposed. The Constitution also guarantees freedom of the press in Denmark and so it is in

Finland and Germany. In countries of the Russian Federation, freedom of the press is guaranteed on paper but all mass media organisations dealing in news have to register themselves with the Government. Among the former satellites of the Soviet Union, Bulgaria has moved more rapidly than other countries in adopting western style democracy. The basic freedom of the press is guaranteed. On the other hand, though the Constitution of Belarus guarantees freedom of the press, yet it prohibits publication of material suggesting formation of political parties with a view to changing the constitution, propaganda of war or promoting national, racial or religious hatred.

China – Article 35 of the Constitution of China (1982) gives the citizens freedom of speech, of assembly, of association, of procession and demonstration. Yet in effect the Chinese Communist Party controls the media. Its restrictions limit the use of freedom by the people. The hollowness of the promise of the right to move about freely and to express one's views was more than evidenced by the ruthlessness with which the authorities crushed the demonstration for political reforms by students in the Tinnaman Square of Beijing in the eighties. The Chinese Parliament amended the country's constitution in March 2004 to make it more liberal. It however remains to be seen how far it goes in guaranteeing freedom of the press.

Cuba – The constitution of Cuba guarantees freedom of the press but this freedom is subordinated to the needs of the socialist society. What it means in effect is that nothing, which might go against the Government, can be published.

One does not yet know how far freedom of the press has been restored in **Afghanistan** after the overthrow of the Taliban regime. The constitution of Afghanistan guaranteed freedom of the press subject to comprehensive articles of proper behaviour. But the Taliban administration had no use for the liberal ideas of the democratic behaviour. It imposed strict restrictions in all areas of life. The freedom of the press was therefore unthinkable. The picture is not clear how far press freedom has been restored by the new Government. Neither is the picture clear in **Iraq** where American and British troops have overthrown the Government of President Saddam Hussain but have yet to bring about total normalcy. Six months after his overthrow, the coalition forces occupying Iraq however claimed that the press was now free and two newspapers expressing diverse opinion are now published.

It is interesting to note that **Algeria**, which won its independence from France after a long bitter struggle, is not ready to share the fruits of freedom with the people. The Government there has no hesitation in saying that the mass media should be under complete control of the Government. President Bouteflika has declared that the media should be at the service of the State. There is little censorship in **Egypt** but the Government has the controlling interest in the three leading daily newspapers— *Al Ahram, Al Akhbar, and Al Ghamhouriya*. The editors are appointed by the President and therefore they are not likely to go against the policies of the Government. In **Saudi Arabia**, freedom of the press is guaranteed on paper but the Government can always interfere. So is the case in other counties in **West Asia.**

The constitution of **Argentina** has several provisions upholding freedom of expression and codifying relations between the state and the press. The constitution of **Brazil** similarly guarantees freedom of the press. It however expressly prohibits propaganda of war, subversion of social or political order and racist messages.

Among India's neighbours, ownership of newspapers or their content is not subject to any restrictions by the Government in **Bangladesh**. However, since the press is not financially strong, the Government finds ways to influence newspapers and journalists by financial inducements.

The constitution of **Pakistan** guarantees freedom of expression and of the press subject to reasonable restrictions in the interests of Islam, the integrity, security or defence of Pakistan, friendly relations with foreign states, public order, decency and morality. The exceptions cover a wide range and make it possible for the Government to interfere with the freedom of the press in any way it likes on one pretext or the other.

In **Sri Lanka**, the Government interferes very little with the press. The Minister of Telecommunications who oversees relations with the press is a key member of the Government. He does not normally interfere except when security of the country is threatened.

Certain generalisations can be made without fear of contradiction. Countries which are members of the **Commonwealth** have been generally following the traditions of British and American public life. There is greater respect for freedom of the press and of the right of the citizen to express himself freely. Governments of many countries of West Asia and Africa do not have such inhibitions. In **Zimbabwe**, a license from the Government is necessary to publish a newspaper. The licence of the country's largest circulated newspaper was cancelled by the Government without giving any reason. Things are much better in South Africa. Countries, which were once satellites or a part of the USSR, are yet to find their feet about freedom of the press as in other spheres. Political fundamentalists have used the slogan of socialism and good of the people as perceived by the rulers to come down on the press. In countries under the sway of Islamic fundamentalists, the interests of Islam are considered reason enough to interfere with the freedom of the press.

THE STRUGGLE IN INDIA

Englishmen had learnt from experience that awareness among the people was the foundation on which the struggle of the masses against autocracy was built. From the beginning of the rule of the East India Company in India, the rulers were not only aware of this fact but were also ready to take action against newspapers which did not tow the official line. It did not matter that those who criticised higher officers of the Company were not 'natives' but Europeans. Nor did it matter that only some higher officers were criticised and not the basic policies of the Company. The day was still far off when newspapers would demand a greater say for the people of India in the administration of their country. Questioning the ethics of foreign rule in India or the demand for self-rule was far off. But the rulers came down heavily even on newspapers which did not criticise the policies of the Company but merely the acts of its officers.

The confrontation between the Government and the press began from the day, *The Bengal Gazette* or *Calcutta General Advertiser* appeared for the first time in Calcutta on March 29, 1780. Its publisher-editor, James Augustus Hicky was a firm believer in the freedom of the press and refused to follow the dictates of the rulers. He was forced to suspend publication of the weekly because of the repressive measures of the Government. The Government stopped the use of postal facilities by the paper, which it said 'tended to vilify private characters and to disturb the peace'. When Hicky refused to dance to the tune of the rulers, his house was raided by European soldiers and he was ordered to pay a security of Rs.80,000. He was forced to pay large amounts as fine, was tortured and humiliated. The weekly stopped publication in 1782. Hicky went back to England and died in penury- a broken man.

William Duane, an Irish-American who published *The Bengal Journal*, was also a victim of the Company's policy of coming down heavily on newspapers, which criticised its officers or published news which was not palatable to the authorities. In 1795, Duane left *The Bengal Journal* and began publishing *The India World*. However, trouble continued to dog him. His house was raided and the Government wanted that he should leave the country. Subscribers were pressurised to stop buying the paper, and advertisers to withhold advertisements. Sir John Shore, who succeeded Lord Cornwallis as Governor General, invited Duane for breakfast. While he was there, soldiers arrested him and took him to the nearest port for deportation. He was permitted to take with him three orphan children whom he was bringing up. He got no compensation for property valued at Rs. 30,000, which he was forced to leave behind.

Lord Wellesley who took over as Governor General issued an order in 1799, which was draconian in its sweep. Every news had to be censored by the Government before it was published. Editors, printers and publishers were required to publish their names. No news was to be published about movement of ships, embarkment of troops or speculation about the relations between the East India Company and the Indian princes. The Governors of Madras and Bombay also took repressive measures against newspapers, which were critical of officers. Lord Wellesley found that his regulations were not enough. In 1800, newspapers were asked to deposit security and to give an undertaking of good behaviour. It needs to be mentioned however that the fault did not lie entirely with the Government. Too often did the newspapers forget their basic duty of giving the readers useful information and filled up space with attacks on the private life of officers of the Company. The attitude of the East India Company towards the press was influenced by two factors. The first was the changing political situation in the country. The Company was out to establish itself as the paramount power in India and was in no mood to tolerate any writing, which might disturb this effort. An empire builder like Lord Wellesley could go to the extent of asking the Commander-in-Chief to 'suppress editors of mischievous writings by force and send them to Europe'. A Governor of liberal views like Lord Hastings, on the other hand, considerably relaxed the restrictions imposed by Lord Wellesley.

Another European who made a valuable contribution in the struggle for freedom of the press was James Silk Buckingham, editor of *the Calcutta Journal.* The paper appeared for the first time on October 2, 1818. Buckingham was not only courageous in exposing the misdeeds of officers and telling unpleasant truths but also played a leading role in shaping public opinion. Buckingham was not afraid to criticise even the high and mighty like the Chief Justice, the Governor of Madras and the Lord Bishop of Calcutta. He wrote 'if no wrongs are to be redressed, or suggested improvements listened to, except those which go through secretaries and public officers to the Government, then none will be redressed or listened to but those whom they favour'.

Buckingham faced several court cases but no action was taken against him so long as Lord Hastings was the Governor General. John Adams who succeeded him was not in favour of the freedom of the press. He questioned the right of the press to intrude into the affairs of the Government. Buckingham could no longer live in India and had to leave India under orders of the Government.

But matters did not end there. John Adam issued an Ordinance in 1823 which laid down that all matters to be printed except commercial matters, must have a license obtained previously from the Governor General. The names of the printer, publisher and editor had also to be submitted. Similar restrictions were placed by the Governor of Bombay in 1825 and 1827. The Ordinance did not say so but people knew that it was primarily aimed at the Indian language newspapers, called those days as 'the vernacular press'. Raja Ram Mohan Roy's name is associated in the mind of the people of India as a social reformer who fought almost single handedly against the pernicious practice of *Sati* and ultimately made the Government ban it. His role as a fighter for the freedom of the press is comparatively ignored. The Government found comments in the *Miratool Akhbar* of Roy objectionable. The Government must also have been aware that while comments in the English language newspapers might hurt the ego and reputation of some individual officers, the comments in the Indian language newspapers would have far-reaching consequences because they were read by the masses. Irritated by Roy's editorials, the Government of John Adams promulgated the Vernacular Press Act. The Act imposed restrictions on the freedom of the press. Roy challenged it in the Supreme Court on the ground that it prevented the diffusion of knowledge. The Court however rejected his application.

Lord William Bentick and Sir Charles Metcalfe were liberal in their attitude towards the press. The Bengal

Regulations of 1823 and The Bombay Regulations of 1825 and 1827 were withdrawn. A uniform Act applicable to all territories of the East India Company was introduced. All that the printer and publisher had to do under what came to be known as the Metcalfe Act was to give precise information about the place of publication.

The relaxation in the laws governing printing presses and newspapers had a healthy effect on the press. This was particularly marked in the three Presidencies-Bengal, Bombay and Madras and in the area now covered by Uttar Pradesh. But the cataclysmic events of 1857 hindered the process of liberalisation. Lord Canning who was the Governor General is commonly referred to as Clemency Canning because of his liberal attitude towards those who had taken part in the uprising against the East India Company, whereas the Government in his time passed an Act, which re-imposed the restrictions placed in the time of John Adam. No printing press could function without a licence. The grant or the revocation of such a licence was totally within the discretion of the Government. The act covered the whole of India and made no distinction between books and publications in English or in any other language. As normalcy returned the Act was allowed to lapse.

What made Lord Canning, a liberal in his thinking, harsh towards the press? There was a widespread belief among the rulers that the press by its provocative writings had fuelled the uprising of 1857. In justification of the harsh measure that he had taken Lord Canning said "There are times in the existence of every State in which something of the liberties and rights which it jealously cherishes and scrupously guards in ordinary seasons must be sacrificed for public welfare. Such is the state of India at present. Such a time has come upon us. The liberty of the press is no exception."

Following the uprising of 1857, which British historians brush aside as the Sepoy Mutiny and Indian writers call the First War of Independence, a sea change came about in the political set up. The British Government took in its hands the administration of the territories so far administered by the East India Company. In one sense it was good because by making British Parliament responsible for Indian affairs there was now for the first time an element of accountability.

India Under the Crown

The decades after 1857 were on the whole peaceful as far as the relation between the Government and the press was concerned, but a sea change had come about in two areas—the place of India in British thinking and the emergence of a new class of Indian youth educated in schools and colleges set up by the Government or by private organisations.

Though the East India Company had been meddling in Indian affairs for a hundred years it was still considered a commercial enterprise. It was not directly linked to the British Government though it operated under a charter given by that Government. The criticism in newspapers in India was mainly about misbehaviour by the officers of the Company. It is difficult to say that after the Sepoy Mutiny i.e. after 150 years of the East Indian Company ruling whether there was any challenge to the status of a foreign company operating in another country. The Indian princes were much too busy settling affairs with one another to bother about this. The idea of India being a nation had still to take root. Otherwise, how could one explain the fact that the Marathas who were the dominant political force in the closing years of the 18th century gave no help to Nawab Sirajjuddaula when he fought against the East India Company at Plassey in 1757. It did not register in the minds of Indian princes that the emergence of the East India Company as a major player in India was the signal of danger. Even if the status of the Company had not been challenged in newspapers, the Company had no *locus standi* of its own. It acquired one only after the Mughal Emperor conferred the rights of *Diwani* on it. The Company administered large parts of the country but it was still not a Government. Any challenge to its authority might be irritating but could not be labelled as sedition.

However, the taking over by the British Government of the affairs of the East India Company changed the picture. Questioning the basis of foreign rule now meant sedition. The Indian Penal Code had been enacted in 1860. It was amended in 1870 to add section 124A, which dealt with sedition. The section reads:

"124 A Sedition. Whoever by words, either spoken or written, or by visible signs or by visible representation, or otherwise, brings or attempts to excite disaffection towards the Government established by law in India, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added or with fine.

Explanation 2. - Comments expressing disapprobation of the measure of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt of disaffection, do not constitute an offence under this section.

Explanation 3 - Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section."

The other section added to the Penal Code dealt with arising of enmity between various groups.

The section 153 A reads: "Whoever—

(a) by words either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, case or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, or religious groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity or

(c) organises any exercise, movement, drill or other similar activity intending that the participation in such activity shall be used or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participate in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community shall be punished with imprisonment which may extend to three years, or with fine, or with both

(2) Whoever commits an offence specified in subsection (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine."

The Indian Penal Code had been enacted in 1860. The amendment, to define the offence of sedition and to lay down punishment for it, was made later – the amendment introducing section 153 A was made in 1898. At this point of time it may not be possible to identify precisely the reasons, which made the new rulers of India, make these amendments to the Indian Penal Code. But they had seen for themselves that the East India Company had to pay a heavy price— losing control over its territories— for not suppressing discontent among the people it ruled. The revolt in 1857 centred round disgruntled princes. The Indian princes had either been washed away in the turmoil of 1857 or had accepted a position of subservience. A new order not yet of questioning the ethics of Britain's rule over India but asking for greater attention to the needs of the people of India was emerging.

Bal Gangadhar Tilak who later came to be known as Lokmanya Tilak said in the first issue of his Marathi weekly newspaper *Kesari* in January 1881; "There is no doubt that since the beginning of Imperial Rule, sycophancy has increased inordinately. This development is undesirable and harmful to the country's interest... The continuous use of the journalist's pen has the same utility as the lights on the streets at night and night watch by policemen. In England, people watch through the newspapers, the functioning of authorities from the Empress and the Prime Minister down to the lowest Government official. The result is that no injustice can be normally concealed and thus, as is well known, the people there are happier than in other European countries. We, therefore, intend to write about how Government officials perform their functions, with complete impartiality and without fear."

Tilak was not alone in raising his voice against misrule and misbehaviour by Government officials. Newspapers in other Indian languages also began to raise their voice. The amendments to the Penal Code were made with a view to stifle dissent. The Government did not like criticism in the English language newspapers but it was the criticism in the Indian language newspapers that it wanted to suppress because it reached out even to people living in the villages and had in it the seeds of uprising.

In 1878, the Government promulgated the Vernacular Press Act. This gave Government the power to come down heavily on publication of writings, which it considered seditious, and to impose heavy penalties on printers and publishers who did not fall in line. Any District Magistrate or Police Commissioner could demand security from the printer and publisher of a newspaper, forfeit the security, or confiscate any matter which he considered objectionable. The aggrieved party had no access to a court of law to seek redress. The promulgation of this Act has an interesting anecdote associated with it. In 1877, Sir Ashley Eden, Lt. Governor of Bengal tried to win over Sisir Kumar Ghosh founder-editor of the *Amrita Bazar Patrika*, which was then published in Bengali and was ardently nationalist in its views. The offer was simple: if the newspaper agreed to publish only material approved by the Government, the latter would not only give the newspaper all the information but also buy a large number of copies. Ghosh gave a classic reply while turning down the offer. He said "Let there be atleast one honest Indian in India." Ghosh knew that the *Amrita Bazar Patrika* would be among the first victims of the Vernacular Press Act. Overnight the newspaper turned itself into an English language newspaper so as to escape the rigour. The Act was repealed in 1880 when Lord Ripon took over as Governor General.

The policy of the foreign Government towards the press and particularly the Indian language press changed from time to time. It was liberal under rulers like Bentick, Munro, Ripon or Duffrein and harsh under rulers like Lytton or Curzon. In 1877, Lord Lytton had observed that "the institution of the press or the concept of its freedom were not indigenous to India. The British Government brought it to India with the hope that it would benefit the people of India and help develop in them the qualities which had proved beneficial to the people of the country. The Government has therefore been liberal towards those who misused the freedom because of ignorance. It is therefore all the more necessary that the Government of India should ensure that the boon does not become a curse and bread does not turn into stone."

Lord Lytton's anxiety was not about proper or improper use of the freedom of the press but that of the use of the press to create discontent among the people regarding the way the foreign rulers were governing the country. As the 19th century came to a close there came about a sea change in the political and social life of the people of India. This was also reflected in the media. The euphoria shown by the first two or three generations of graduates from Indian Universities that British rule was a boon for the country had given place to an urge that the people of India should have the same rights and privileges as the people of England in governance. The time was still far off when the people would demand Home Rule or *Swaraj*. The Indian National Congress set up in 1885 was still a movement in the hands of educated upper class Indians who gathered once a year during the Christmas holidays, passed resolutions about matters like giving greater representation to Indians in the civil services and dispersed only to meet again after another year. The British rule over India, though seemed firmly established, the new generations of Indians were growing who questioned the way in which the country was governed.

At the beginning of the 20th century and for a long time thereafter, the press in India was divided in two distinct segments. A small number of English newspapers controlled by Englishmen were ardent supporters of the establishment. They naturally got all the perks and privileges. They were rich in resources. On the other hand, there was the large body of newspapers owned, published and edited by Indians. They were the voice of the new young and resurgent India, which was anxious to secure a proper place for Indians in the governance of the country. No wonder that these newspapers did not get largesse from the Government and were the victims of repression. Most of them eked out a hand to mouth existence and the sword of action by the authorities, demand and forfeiture of security and prosecution was always hanging over their head.

The political scene changed in the last years of the 19th century. The younger group of leaders had just emerged in the Congress. Though they had not yet asserted themselves in shaping its policies, yet it was clear that its policy of petitions and representations had to change. The nationalist newspapers were sympathetic to the new emerging leadership. In fact many emerging leaders were also editors. However far more serious development was the emergence of violence as a political weapon.

After the uprising of 1857, India had been disarmed. The Princely States had armies of their own but they were totally subservient to the British Government. There was no threat of any large-scale uprising. The armed uprising by Wasudev Balwant Phadke in Western India and similar attempts elsewhere had been crushed with ease by the Government and there was therefore a feeling of complacency on its part. This dream however, was shattered on June 22,1897, when young Damodar Hari Chapekar, killed Rand the Plague Commissioner in Pune. There was great resentment in Pune against the high-handedness with which Rand conducted his campaign against the spread of plague. Soldiers would enter homes and desecrate places of worship. Newspapers had given expression to the resentment against Rand's conduct prevalent among the masses. The Government took the murder of Rand as a danger signal, and came down heavily on newspapers, which it felt had even indirectly supported Chapekar. Bal Gangadhar Tilak, Editor, Printer and Publisher of the *Kesari* and *Mahratta* was prosecuted on a charge of sedition and was sentenced to 18 months rigorous imprisonment. Other editors were also arrested and sentenced to terms of imprisonment for sedition or spreading ill will between communities.

The cloud of suspicion about the role of the press lifted when it became clear that the murder of Rand was not part of a larger conspiracy but an act of revenge by some young men. By then the political scene in India had entered a new phase. At the close of the 19th century, it became clear that the next century would not only mean the end of the Victorian era but also the beginning of a new chapter in India politics— away from petitions, representations and supplications towards direct confrontation with the Government for redressal. The young leadership in the Congress, was keen to gain control of the organisation from older leaders who were moderate in their views and actions. The two groups were slowly heading towards a clash.

Freedom Struggle and The Indian Press

The differences between the newspapers controlled by British interests on the one hand and newspapers run by Indians on the other, sharpened in the 20th century. The Government made no secret of its sullen and often open hostility to Indian newspapers, which supported the younger group of leaders in the Congress and advocated active methods to secure redressal from the Government. Two developments sharpened the differences. Lord Curzon announced the partition of Bengal. This was resented not only by the people of Bengal but by people in other Provinces also.

The Government's explanation that the step was an administrative measure without any political implications failed to convince the people. They felt that the partition of Bengal was a clever attempt to divide the people and thereby weaken the popular base of the emerging radical group in the Congress.

The other significant development in the first decade of the 20th century was the emergence of the revolutionary movement in the country. A new weapon in the form of the bomb had come in the hands of the revolutionaries. Its use in Russia and other countries had proved effective in carrying out acts of violence. It was known that making a bomb was not a daunting task. It was easy to throw it and to cause death or serious injury. The man who threw the bomb could get away easily in the confusion caused by the explosion.

These are three developments-popular agitation against the partition of Bengal and the agitation to get it annulled, the emergence of the radical group in the Congress and its rising strength and thirdly the emergence of revolutionary activity and the use of the bomb, unnerved the Government and it used every means to suppress it. The Government felt that the relationship between them was one of cause and effect—the emerging radical group was supporting the revolutionaries and the Indian nationalist newspapers which supported the group were directly or indirectly not only fanning the flames of discontent but also inciting the people to violence. While the Government took measures against what were known then as the extremists, it came down heavily on newspapers. The Government promulgated the Newspapers Incitement to Violence Act 1908, which authorised local authorities to take action against the newspaper which published matter deemed to constitute an incitement to murder or rebellion. Several editors were charged and convicted under the Act. Two years later, the Indian Press Act was passed tightening Government control over the press. Under the Act, owners of printing presses were required to tender security deposits. The security could be forfeited if the press continued to print objectionable matter and further action including seizure of the press could be taken if the newspaper persisted in its ways. Postal and customs authorities could detain and search mail suspected of containing objectionable matter. The police were given extensive powers to search suspected premises. The severity with which the Act was implemented can be judged from the fact that between 1910 and 1914 Government launched 355 prosecutions under this Act.

Even before these Acts were promulgated, the Government launched a large number of cases against editors, printers and publishers under section 124 A (sedition) and section 153 A (spreading enmity between classes and communities) of the Penal Code. The most famous of these cases was against Bal Gangadhar Tilak, editor, printer and publisher of the *Kesari* for two articles published in the paper, in 1908.

It had become clear by now that the Government was out to use every means to silence the voice of the radical leaders. This was further confirmed by the manner in which the prosecution was launched. The *Kesari* was printed and published in Poona (now Pune) but there would have been a commotion if the trial was held there. Tilak was arrested in Bombay (now Mumbai). The articles for which he was prosecuted were in Marathi but he was tried on the basis of the translation in English by the Government translator. Justice Davar who presided over the trial knew no Marathi. Neither did the seven Europeans and two Parsees who formed the special jury. All this together with the denial of bail by the judge, on his own without even giving the prosecution the opportunity to oppose it, clearly showed which way the wind was blowing.

The lawyers who helped Tilak in his defence included M.A. Jinnah. He has written in his reminiscences that Tilak was keen not so much to secure his acquittal but to establish that newspapers controlled by the Europeans which were then called the *Anglo Indian press* were guilty of defaming India and Indians which was a libel and the Government did not take any action against them. Jinnah did not agree to this line of defence. As a lawyer he wanted to take a line, which in his opinion was the best for the defence. Tilak knew that conviction was certain. He therefore turned the trial into a political case.

He spoke in his defence for more than 21 hours. There was no quibbling much less any attempt to show that what he had written was written in passion. It was a treatise on the freedom of the press. He told the jury that the freedom of the press in England was a gift of the jury, The law might be same in England and India but it was administered differently in the two countries. He said, the prosecution should have shown by substantive proof that the writer had exceeded the limits of fair expression of opinion, fair comment and fair disapprobation. He said " I know that you will be told that ' we do not object to liberty of the press, but we don't want that liberty to descend to license.' But you have to define what that may mean to yourself. Where does liberty end and license begin?

That has to be defined by the common sense of the jury. The law is very strict but it is the juries in England that have stood between the strictness of the law and liberty of the press and you have to perform that duty in India." He asked the jurors "The question is do you really intend as guardians of the liberty of the press to allow as much liberty here in India as is enjoyed by the people of England?"

Advocate General Branson did not agree. He took the legalistic view that the English law did not apply in India. "There is the Penal Code. You cannot take away from it, you cannot add to it. You have been told that you are guardians of the Press. Fiddle sticks! You are guardians of the press no more than I am. Before God you are guardians of the Penal Code and the Penal Code protects the press."

The jury gave a verdict of guilty by seven to two, the same number in which the Europeans and the Indians stood. The Judge accepted the verdict and sentenced Tilak to six years rigorous imprisonment and transportation under the two charges. The judge did not touch on the basic point raised by Tilak that subject of the Crown living in England and India should receive the same treatment. The jail term was later changed to simple imprisonment.

Many editors, printers and publishers besides Tilak were prosecuted for sedition in the first decade of the 20th century. A number of them preferred to tender apology and escape imprisonment. However there were many who refused to tender an apology and preferred to go to jail like Tilak. While he was serving his sentence, the tone of his newspapers became more moderate to the annoyance of some of his radical followers but the main task was of keeping the newspapers running while Tilak was serving his sentence in Mandalay. In this they were not alone. The Draconian measure adopted by the Government in 1908 and 1910 had forced most newspapers to adopt a moderate line in their criticism. A factor, which helped ameliorate public opinion, was the annulment of the Partition of Bengal announced in 1911.

The Scene After World War-I

The second decade of the 20th century saw sweeping changes in the world. The Turkish Empire disintegrated as a result of the First Word War and so did the Austro Hungarian Empire. Germany lost its colonies in Africa. New nations were born in Europe and Asia. Britain and France acquired new territories either as colonies or as Protectorates. But much more significant was the overthrow of the Czarist regime in Russia, the coming to power of the Communists in Moscow and the birth of the Union of Soviet Socialist Republics. The political philosophy of Communism challenged all the norms of capitalist society on which the prosperity of the West was based. What if it captured the mind of people in countries like India? From the day the British conquered India the bogey of Russian invasion via Afghanistan had been in the mind of the British rulers of the country. And now they feared invasion of a different kind. This new invasion would not be an armed one but was likely to be far more dangerous because it would give oppressed people in India and other enslaved countries a new rallying point to rise against the foreign rulers.

India had given full support to British in waging the War. The 14 lofty principles enunciated by President Wilson of the United States promised independence to all enslaved countries. India had therefore hoped that Britain would at least come forward with a liberal dose of reforms in the administration of the country so as to give more powers to the representatives elected by her people. But the reforms announced by the Government were a great disappointment. What was more, the Government promulgated the Rowlatt Act to crush all opposition. It had now become clear that Britain had no intention to apply to India the lofty principles for which she claimed to have fought the War. Resentment against the Government naturally rose but the Government refused to relent. The killing of more than 1000 men, women and children at Jallianwallah Bagh in Amritsar and imposition of Martial Law in Punjab were the answers it gave.

The Gandhian era in Indian politics began in 1920. He used a novel weapon—*satyagraha* to organise non-violent protest against the highhandedness of the Government. The changes in the world scenario after World War and the emergence of Mahatma Gandhi as the undisputed leader of the Congress affected the role as well as growth of the Indian press. The new leader, the new weapon, the new *mantra*, gave a new impetus to nationalist newspapers. Till then, these papers had ploughed a lonely furrow, waging a hopeless war on their own and paying the price with a smile. Now they felt that they were part of a larger movement. Newspaper publication became an important front in the war of independence.

Almost all great Indian leaders of the freedom struggle Mahatma Gandhi, Lokmanya Tilak, Pandit Malaviya, Lala Lajpat Rai, Maulana Azad, C.R.Das, C.Rajagopalachari, Jawaharlal Nehru among others were basically political leaders. They had their own newspapers because they felt that it was the best means of carrying their message to the people. Yet there were editors and publishers who were active in politics. Ram Nath Goenka, the owner of the *Amrit Bazar Patrika* or the proprietors of the *Ananda Bazar Patrika,* Baburao Vishnu Paradkar, Ganesh Shanker Vidyarthi, Bal Krishna Sharma, 'Navin', S.K.D. Paliwal, Venkatesh Narayan Tewari, Hari Bhau Upadhayaya, Rang Rao Diwakar, K.Rama Rao, Syed Abdullah Brelvi, Lala Jagat Naryan, Desh Bandhu Gupta and many others were active both in the political arena as well as in the field of journalism. And then there were the large number of journalists working in English and Indian language newspapers who might not take active part in politics but had a strong commitment to the national cause. The house of Birlas published the **Hindustan Times** and the Hindi daily **Hindustan** not with an eye on profit but as a contribution to the national cause. Babu Shiv Prasad Gupta, philanthropist of Varanasi suffered a loss but continued to publish the Hindi daily **Aaj.**

There were newspapers all over the country published in English and Indian languages, which were strongly nationalist in their views. Many of these were one man enterprises. They expressed themselves fearlessly. It was no longer taboo to talk about independence for India. There were different shades of opinion in their views but the commitment to the nationalist cause overrode the differences which related mainly to approach and strategy. These newspapers stopped publication temporarily when the Congress under Mahatma Gandhi launched a movement because they knew that the Government would come down heavily on them but resumed publication when things quietened. Many editors, printers and publishers paid a heavy penalty. Some editors were sent to Andaman where they were yoked to oil mills or forced to do other hard manual work.

Publication of a newspaper was not a profitable business. Journalists looked at their work as a mission. They considered their work as contribution to the struggle for freedom of the country. Freedom of the press was a concept unthinkable for people in an enslaved country. The dream could be realised only when the country became free.

The Scene After Independence

When India achieved independence in 1947 many of the top leaders entered Government at the centre or in the Provinces. With their presence in the Government and legislative bodies it was but natural to expect that the constitution of independent India would specifically provide for freedom of the press. The matter was raised and discussed. Upon the suggestion of K.M. Munshi, both K.T.Shah and Harnam Singh wanted that freedom of the press should be specifically guaranteed by a provision in the Constitution. The argument was simple. If the Constitution of the United States guaranteed freedom of the press why should it not be guaranteed specifically in the Indian Constitution also?

However, there were equally weighty arguments against such a provision. The Indian Constitution has equality before law for all citizens as its basic principle. Making a specific provision of guarantee of freedom for the press would have created a class of citizens with more rights than the others. This would have been contrary to the spirit of the Constitution. And then the question arose- what exactly is meant by freedom of the press? Freedom for whom and from whom? For the publisher? the editor? the sub editor, the reporter? exactly for whom? and for what purpose? The First amendment to the United States Constitution which laid down that 'Congress shall make no law.....abridging the freedom.... of the press' did not elaborate on what exactly was meant by freedom of the press. It was left to the Courts to give the amendment a larger content than mere restraint on the legislature. They ruled that the primary purpose of guaranteeing freedom of the press was to serve the general welfare by informing the people and enabling them to make judgements on issues before them. The questions raised by inclusion of freedom of the press in the United States Constitution had been resolved by the passage of time. The framers of the Indian Constitution wanted to avoid the long and arduous journey. They therefore avoided making guarantee of press freedom specific in the Constitution.

It may appear in the first instance that the framers of the Indian Constitution had overlooked the role played by the press in the freedom struggle. This is not so. They viewed the question of freedom of the press in the larger perspective of the rights of the people in a democracy. In a democratic society, every citizen has the right to express himself freely. When a newspaper expresses an opinion, it merely exercises this right, nothing more, and nothing less. Opposing the suggestion that freedom of the press should be specifically guaranteed in the Constitution, the Union Law Minister, Dr. B.R.Ambedkar, who piloted the Constitution in the Constituent Assembly, said "The press has no special rights which are not to be given or which are not to be exercised by the citizen in his individual capacity. The editor of a press or the manager are all citizens and therefore when they choose to write in newspapers, they are merely exercising their right of expression and in my judgment therefore no special mention is necessary of the freedom of the press at all."

The Constituent Assembly did not specifically guarantee freedom of the Press but Article 19(1) of the Constitution that it adopted while listing the freedoms that every citizen shall have, mentioned 'freedom of speech and expression'. B.N. Rau, the then Advisor to the Assembly observed, "it is not necessary to provide specifically for freedom of the press as freedom of expression.....will include freedom of the press." Dr.Ambedkar told the assembly "No law shall be made abridging the freedom of speech or the press, of association and of assembly except for consideration of public order and morality."

The first amendment made in the United States Constitution guaranteed freedom of the press by saying that ‘Congress shall make no law abridging freedom of the press. The first amendment to the Indian Constitution made a year after it was adopted gave the State the right to place restrictions on the rights conferred by Article 19(1). The reasons for doing so were specified in the new Article 19(2). Over a period of time these grounds have been enlarged. The difference in the approach of the two countries to freedom of the press and restrictions that can be placed on it reflect the difference in the process through which the two constitutions were framed. The American States, which had come together to overthrow British rule, were united but only for a limited common cause. An overwhelming field of activity was left to the jurisdiction of the States. The residual powers were also to be exercised by them.

The original draft of the Constitution provided for a loose federation and a large sector was reserved for the States. That was before partition of the country.

After partition took place the draft was revised and the balance of power was shifted towards a strong Centre. The partition, the riots which took place, the assassination of the Father of the Nation Mahatma Gandhi, the Pakistan inspired invasion of Jammu and Kashmir by tribals, the Indian Government's response to the attack, and the Communist insurgency in some parts of the country made the people and the Government aware of the threat to freedom. The action of Parliament in placing restrictions on the exercise of fundamental rights in some circumstances did not provoke the resistance that it would normally have had. Significantly, opposition was also not vociferous on the Press (Objectionable Matters) Act 1951. The press allowed the Act to run its original life span of two years and then die a natural death. What was particularly galling was the provision in the Act to set up special courts to hear cases under the Act instead of leaving it to the ordinary process of law. The people and the press acquiesced in these measures restricting freedom of the press for two reasons. Firstly, conditions they felt, justified the demand by the Government for special powers. Secondly, both had faith in Jawaharlal Nehru and other leaders. Nehru had declared, "To my mind the freedom of the press is not just a slogan from the larger point of view but it is an essential attribute of the democratic process. I have no doubt that even if the Government dislike the liberties taken by the press and considers them dangerous, it is wrong to interfere with the freedom of the press. I would rather have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated press."

The Supreme Court of India in a number of cases has held that freedom of speech and expression includes the freedom of the press. The Court has also held that the freedom of the journalist is but an ordinary part of the freedom of the subject and to whatever length the subject in general may go, so also may the journalist but apart from the statute law, his privilege is no other and no higher. In other words, the freedom of the press means that there is no prior restraint on publication but once something is published, the law of the land comes into operation and the journalist is subject to the law like any other citizen. The press does not enjoy any privilege distinct from the freedom enjoyed by any other citizen.

Censorship

The essence of freedom of the press lies in the fact that there should be no restriction on publication. This is theoretically correct but in practice the press faces many threats.

In many parts of the country, militants in order to force their viewpoint on the people threaten editors and correspondents. The sub inspector or the *tehsildar* in small places, the District Magistrate and the Superintendent of Police at district headquarters, all might use persuasion and threats to keep unpalatable material off the columns of newspapers. There have also been instances where even hawkers have forced publishers to tow their line. There may be so many other instances of threats to the freedom of the press.

These threats are all outside the constitution and the law and will be dealt separately elsewhere in this book. However, there is one area where the Government acting within the constitution and the law can impose its will on publishers and editors. This is censorship. This means that before any thing is published it must be cleared by an officer of the Government. Every freedom carries with it certain responsibility. In the case of freedom of the press the yardstick is public interest. Where public interest is involved it is not merely the right but also the duty of the publisher and the journalist to publish the material how so ever unpleasant it may be for anybody. Yet there are situations where it may be necessary to place restrictions on freedom of the press. The constitution of the United States specifically prohibits any curb on freedom of the press. The Government there cannot impose censorship on the press. Even during World War II, there was no censorship there. The Censor merely gave ‘friendly advice to the newspapers on what was to be kept off the columns. There was not a single instance where the advice was ignored. In Britain, censorship can be imposed on the press only after Parliament empowers the Government by a legislation to do so.

Article 19(2) of our Constitution, which empowers the State to put restrictions on the exercise of fundamental rights, merely gives the grounds on which this can be done. It makes no distinction between time of peace and of war . During the Kashmir operations in 1947-48, the Hyderabad Police action in 1948, the aggression by China in 1962, the clash with Pakistan in 1965 or the Bangladesh War in 1971, no censorship was imposed on the press. Government officers, publishers and editors worked in close cooperation to ensure that nothing appeared in newspapers, which might endanger national security or the military operations. There was hardly any violation by the press. It realised the gravity of the situation and followed the broad guidelines suggested by the Government.

In 1975, censorship was imposed on the press when the Government declared a state of Internal Emergency under the Defence of India provisions following the turmoil caused by the judgement of the Allahabad High Court setting aside the election of the then Prime Minister to the Lok Sabha. After the elections in 1977, the Janata Party Government came to power, took the approval of Parliament for a crucial amendment of the Constitution. The newly amended Article 358 now lays down that the fundamental rights guaranteed in Article 19 could only be curtailed following a proclamation of emergency when national security is threatened due to war or aggression. The suspension of fundamental rights would cease to be operative as soon as the proclamation of emergency lapsed.

THE INDIAN PRESS SCENE

In the two preceding chapters we discussed the concept of freedom of the press, its evolution in foreign countries, the struggle in India for freedom of the press during the days of foreign rule and the manner in which it is enshrined in our Constitution. Two questions come to mind. Firstly, how has the press grown in the years since independence? What are the portents for the future? And secondly, who exercises and enjoys the freedom of the press?

We will take up the first question. During the days of British rule, journalism was not a lucrative profession. Law, medicine and even teaching were preferred. Wages in journalism were low and there was no security. How could a publisher guarantee security of service to his employees when he himself was living a hand to mouth existence? The press in India was divided into two groups. A small number of English language newspapers run by British commercial interests and supporting the foreign rule got the major share of advertisements, and the circulation. The Government favoured them. However, a large number of English and Indian language newspapers, which supported the demand of freedom for the country, lived all the time under the threat of Government action. Security was demanded at the smallest pretext, printing presses were forfeited and editors were sent to prison. It is true that a small number of newspapers, most of them tied to British commercial interests, did make some profit, but the overall picture was gloomy.

Figures about the number of newspapers, their circulation, and the profits that they made are not available. However, the First Press Commission estimated that at the end of 1952, there were 330 daily newspapers, 1189 weeklies and 1789 journals of other periodicity in the country. The daily newspapers then had a total circulation of more than 25,00,000. Figures of circulations for other journals and weeklies were not available. Nor was there much information about the revenue. The First Press Commission estimated that in 1951, the press made a profit of about Rs. 6,00,000 on a capital investment of about Rs. 7,00,00,000. This works out to a profit of less than one per cent per annum on the investment. The picture becomes even more dismal when one remembers that all this profit was made mostly by a small number of newspapers, which topped the figures of circulation and that of revenue from advertisement.

The First Press Commission was set up immediately after the first general election in 1952. It submitted its report in 1954. Far-reaching changes were taking place in the economy of the country. The press was no exception. These changes gathered momentum in subsequent years. The structure of the press and above all its thrust and purpose underwent a gradual but persistent change. The press today is quite different from what it was in 1947, the year India became free.

Feelings should not be hurt if one says that nationalist newspapers published before 1947 were essentially views papers and not newspapers. The few newspapers, which could afford it, got news from the news agencies by the telegram. There was very little editing of these telegrams. In some newspapers the Associated Press or Reuter's telegrams were printed one after the other under just one credit line. The well-equipped English newspapers certainly did much better though the treatment of news as news item was scanty in most papers and of little interest to the ruling class.

Mahatma Gandhi's ***Navjiwan*** and the ***Harijan,*** Lokmanya Tilak's ***Kesari*** and ***Mahratta,*** Maulana Azad's ***Al Hilal*** and similar newspapers run by top leaders of the freedom struggle were read for the editorials of these leaders. What news they carried was either reports of their speeches or related to the freedom struggle. Two developments, one at home and other abroad changed this picture. The teleprinter came to Indian newspapers at the end of the thirties. The charges that the newspapers had to pay to the Indian news Agency, The Associated Press of India, a subsidiary of the British news agency, Reuters, were within the reach of even medium newspapers. No longer did they have to depend on the telegraph office for news. It is true that there was a pronounced pro-Government slant in the handling by the agency of news about the freedom struggle but the desk in newspapers could correct this. What was important was that hard news came quickly and came in a readable form.

This became all the more important because of the happenings in Europe, which led to the outbreak of the Second World War: Places like Danzig and Warsaw, Budapest and Prague, Brussels and Amsterdam, Kiev and Stalingrad, Hawai and Singapore, were no longer just points on the map for the Indian reader. The hunger for hard news grew as Japanese troops overran Malaya and Burma and began knocking at India's eastern border. People wanted news about the War as also about the possibility of a settlement with Britain and possible independence for India because of the threat of

Japanese invasion. The arrest of Mahatma Gandhi and other Congress leaders in the Quit India Movement whetted the hunger of the people for news and more news. The closing years of the War, the surrender first by Italy and Germany and then by Japan, the negotiations, which Britain undertook with Indian leaders, were all events and developments about which the people wanted news. The radio was still only a play thing of the rich and the newspaper was the only source of news for millions. Circulations soared though those were no where what they are today and much less than what they were then in the countries in Europe and America or countries in Asia like Japan.

The Scene After Independence

Independence brought a sea change in India's political and economic scene. This was also reflected in the newspaper world. In the days before independence, newspapers in India were mostly single owner or family owned enterprises. After independence the trend grew towards converting these enterprises into joint stock companies. It is true that in many of these cases the shares were held or controlled by the same person or the same family but the conversion gave them greater acceptability and respectability. Secondly, it limited their liability to the value of shares held by them. Many of the newspapers which had till then been controlled by British commercial interests now came in the hands of Indians. There was a total change in their policy. Mohandas Karamchand Gandhi was no longer Mr Gandhi but overnight became Mahatma Gandhi for them. Many of these newspapers which had till then restricted themselves to bringing out newspapers only in English, now diversified their activities and began publishing newspapers and journals in Indian languages also. Before independence only a few newspapers were published from more than one place. Taking advantage of the new techniques in communication and printing technology several newspapers soon began bringing out editions from nine or ten centres. Later, newspapers were printed not just in black and white but in many colours.

The following figures tell the story of the increase in the number of newspapers in India and their circulation. In 2001, the first year of the 21st century, the number of newspapers on the records of the Press Registrar of India was 51,960. This is 5.73 per cent more than the number in the previous year. The total circulation of all newspapers in 2001 was 11,52,53,948. It is seen that the number of registered publications rose by 3825 from 51,960 in 2001 to 55,780 at the end of March 2003. The total circulations of newspapers showed an increase of 23.21 per cent from 11,52,53,948 copies in 2001 to 14,20,05,543 copies in 2002-2003. The circulation of Dailies was 7,29,38,646 copies in 2002-2003, as against 5,78,44,236 in 2001, an increase by 26 per cent.

The total number of newspapers published from the four metropolitan cities during 2002-2003 was 1,365, accounting for 19.07 per cent of the all India total. Other state capitals published 1,335 newspapers or 18.94 per cent. Big cities published a total of 4,276 newspapers constituting 59.75 per cent. A total of 160 newspapers came out from small towns and Union Territory accounting for the remaining 2.24 per cent.

Out of 1,907 Dailies, a total of 217 Dailies were brought out from the metropolitan cities and 413 from state capitals. Big cities in various states published 1235 Daily newspapers and small towns brought out 13. Union Territories published 29 Dailies.

The newspapers published from four metropolitan cities-Mumbai, Kolkata, Delhi and Chennai-had a combined circulation of 4,11,79,595 copies in 2002-2003, which came to 29 per cent of the total. The state capitals (excluding metropolitan cities) accounted for 2,72,81,159 copies or 19.21 per cent. Newspapers from other big cities claimed a circulation of 71919850 copies, which was 50.65 per cent of the circulation. The press in the Union Territories accounted for 12,71,533 or 0.89 per cent copies. The remaining 3,53,406 copies, or 0.25 per cent belonged to small towns.

It was only natural that because of the infrastructure available in the bigger towns, the publication of newspapers should be concentrated there. By itself that may be a cause for little worry. What is however more worrying is the imbalance in readership between the cities and the villages and the neglect of matters affecting the people living in the countryside.

No detailed study has been undertaken about the distribution of readership between the cities and the villages. The Second Press Commission however observed in its report submitted in 1982 that 52.70 per cent of the circulation of the ten leading big daily newspapers in the country was outside the place of publication. It was 47.85 per cent for ten medium category daily newspapers and 55.32 per cent for seven small dailies. The commission had pointed out that even copies, which went out of the place of publication, were sold not in the villages but in towns and cities.

It will be hasty to generalise on the basis of the data from such a small number of newspapers. The population of the cities in India went up from 6.2 crore in 1951 to 21.8 crore in 1991. It is therefore logical to presume that the number of newspaper readers in the cities must have grown at almost the same rate as the growth in the number of people living in the cities. On the other hand one has also to bear in mind that the percentage of the literate people among the population was only 18.33 per cent in 1951 but it climbed to 52.21 per cent in 1991. Possibly many of these neo-literates lived in the cities but the number of those in the villages might also not be small. It is therefore difficult to say what the proportion today is between the newspaper readers in the cities and those in the villages. One can only leave that to the conclusion that each of us can draw or would like to draw. May be the proportion is the same as in 1982, or has changed for the better or the worse, who knows?

Urban Bias in News Coverage

Whatever the ratio of newspaper readers living in the cities and those living in the villages, the fact remains that in the emphasis and the coverage of news, in our newspapers it is the city which gets precedence and not the countryside. The murder of a rich lady in a posh area in New Delhi gets double-column treatment. The death of more than 30 school children because of the collapse of a bridge in a remote village may be buried and get only a single column headline. Processes, which may revolutionise the economy in the countryside are ignored till the results hit the eye. Only two instances should suffice. How it is that the press in India was blissfully unaware of the green revolution or the white revolution till the former resulted in making India self-sufficient in food grains and the latter made the country the leading producer of milk? How much space do our newspapers find for the National Adult Literacy Programme which aims at a target of making ten crore Indians neo-literate? The thousands of non-Government organisations engaged in the mission get very little attention in our newspapers. Much less do our newspapers bother to satisfy the hunger of these neo-literates for reading material which is of interest to them. The reason is obvious. Newspapers are published from the cities and are sold there. Why should they bother about expanding the base of their circulation in the villages? Soon after independence, the Government was able to 'persuade' the British news agency Reuters to transfer its holding in the Associated Press of India to the Press Trust of India. Even after more than 50 years, P.T.I., the United News of India or the Hindi News agencies, BHASHA and UNIVARTA do not have a correspondent in every district headquarters. When a story about the conditions in the slums of Mumbai was suggested for consideration the senior executive of a newspaper remarked, "Such people do not read our paper." But then, neither do they buy cars and refrigerators advertised in big papers. Should it then lead to the logical conclusion that advertisements for these should be kept out of the copies sold in the slums? Or are there different criteria, one for news and the other for advertisements?

The Entry of Big Business

Only a few big businessmen and industrialists were involved with newspaper publication before 1947. The profit was not much and the Government did not look with favour on nationalist newspapers. The picture changed after independence. New avenues opened up for Indians in commerce and industry. It was now useful for an industrialist to have a newspaper or better still a chain of newspapers to persuade the Government to provide more facilities to them. The Government, which now depended on newspapers for success in elections and for remaining in power, gave far more importance to them than it did during the British rule. Profits in newspaper publishing also increased though in the beginning only marginally. The favours and facilities that the businessman engaged in newspaper publication wanted were directly for his own profit and indirectly only for the benefit of the country. Newspaper publication gradually became an industry by itself though it was only a peripheral industry and did not compare with the newspaper industry in any of the developed countries. The important change however was that the newspaper owners now could persuade the Government on certain matters.

The clout that the businessman engaged in newspaper publication now had and the inherent danger accompanying it did not go unnoticed and nor the fact that the clout was likely to grow as more and more industries were set up and more and more industrialists and businessman entered the field of newspaper publication. The First Press Commission which submitted its report seven years after India became free noticed tendencies like the profit motive replacing the idealistic and missionary spirit of earlier days, the concentration of ownership of newspapers in a few hands, the subordination of the public interest to the business and commercial interests of the owner, and transfer of even editorial control to the management. The commission thought that it was natural for a newspaper owned by a businessman or an industrialist to adopt editorial policies which would advance directly or indirectly the interests of the business community as a whole or the particular business interests or commitments of the owner. The Commission did not see any harm in this so long as the espousal of these policies was restricted to the editorial columns. However, the Commission was anxious that such espousal should not affect the fairness, objectivity, accuracy and comprehensiveness of news reported in these newspapers. The Commission said that while a person's opinions were his own, if he claimed to purvey the news, the buyer was entitled to insist that it shall be untainted, unadulterated and undiluted.

Newspapers brought out by industrialists and businessmen favoured big industry. They overlooked the fact that cottage and small industry needed much less capital, was more labour intensive and better suited to India.

There have been numerous instances of not only prejudice overflowing from the editorial to the news columns. Among the developing countries, India stands out for the courage with which it fought the large oil cartels and nationalised her oil industry. Credit for this goes to Keshav Dev Malviya. The big newspapers were however after him even as he was fighting a difficult battle for India.

I.P.Tiwari, was associated with the Press Information Bureau for more than two decades and served as the Principal Information Officer for some time. He was for a long time Information Officer attached to the Petroleum Ministry. In his book of reminiscences **'Serving Bosses Big, And Small'**, I.P.Tiwari writes that a leading newspaper "under the editorship of the late Mr S.Mulgaonkar had launched a smear campaign against Mr Malaviya and Mr. Krishna Menon. Hardly a day passed when there was not a story or comment on either of them, which painted them as the black sheep or enemy of the country in Nehru's cabinet. I once tried to arrange a meeting with Mr Mulgaonkar by inviting him to lunch with Mr Malaviya at his residence. At the end of the lunch Mr Mulgaonkar bluntly told Mr Malaviya that he did not appreciate all that Mr Maiaviya was doing and the manner in which he was doing it. It was a highly unethical approach on the part of a journalist who claimed to judge facts and actions on merit. Facts were supposed to be sacred, only comment being free. But I did not argue. Neither did Mr Malviya, who just laughed stoically."

Mr Malaviya was then fighting for freeing the oil sector in India from the stranglehold of the multinational oil giants, and achieving self sufficiency in oil production and refining. Mr Mulgaonkar and his newspaper had every right to criticise the objective and the methods adopted by Mr Malaviya, even though many consider that Malaviya's efforts were in national interest and their criticism went against national interest. But what happened next sounds stranger than fiction. I.P. Tiwari continues "Within a week thereafter the same paper came out with a seven-coloumn banner headline 'Naharkatiya well caves in: Millions lost.' It was a baseless news item apparently from Shillong but from its contents one could easily find out that it was drafted in Delhi. The story was intended to injure Mr Malaviya, who by now had earned a reputation as oil discoverer in India. The fact of the story was that not a bolt had hinged in the drilling rig being used in the Naharkatiya region." The newspaper did not carry a rebuttal. When Tiwari approached Mulgaonkar, he was told to do what he liked. This was a classic example of editorial policy, or should it be called bias, sneaking into the news columns? One wonders why was Mulgaonkar opposed to the basic objective that K.D. Malaviya had in mind or his methods? Was the antipathy personal or was it inspired by the proprietors of the newspaper who had emerged as one of the leading magnates of industry in the country. Even then why should the paper support the international oil cartels? One can only wonder and guess. There must be many such cases. For obvious reasons they go unreported.

Second Press Commision's View

The Second Press Commission also considered the relationship between big industry and business on the one hand and newspaper publication on the other. It observed "When newspapers are controlled by other big business, they become vehicles of expression of the ideology of their owners and the selection, presentation and display of news in such newspapers would be dictated by that ideology. The newspaper industry in their hands becomes involuntarily the cultural arm of other big businesses and industries and takes a vested interest in maintaining the existing socio-economic structure. The newspapers controlled by them may be selective in their presentation of news and views in return for benefits conferred in respect of their other business interests.

"Senior journalists have laid the heaviest blame for falling standards of journalism on the jute press syndrome wherein a newspaper is merely one little component of a vast business empire and on the emergence of 'professional mercenarism'............if all major newspapers come to represent a similar if not the same viewpoint as is not unlikely when all of them belong to private business enterprises, a viewpoint which is against the interests of big business may not receive a fair deal in their columns."

The Commission also said, "The Press being a prime need of a society, when its machinery is concentrated only in the hands of a few, some of whom indulge in practices which are harmful to the health of society, the freedom of the Press is in danger as it is employed for a purpose for which it was never intended........... The changing nature of the communication process has made it imperative that the law should concern itself with safeguarding public interest in the effective utilisation of the media for the expression of diverse points of view. Confrontation of ideas, a topic of eloquent repetition in contemporary thought, demands some recognition of the right to be heard as a constitutional principle. There is need of providing access to the media and to forbid arbitrary denial of space for expression of divergent opinions. With the development of private restriction on free expressions, the idea of a free market place where ideas can compete on their merits has become just as unrealistic as the economic theory of perfect competition. The right of access is resisted by relentless invocation of the freedom of contract notion that a newspaper publisher is as free as any merchant to deal with whom he chooses. Everyone cannot afford publication of a newspaper under modern conditions for giving expression to his ideas, which may be of vital interest to the community at large. If the press is considered a public utility...., there is no reason why its services should not be available to citizens for exercise of their fundamental right of freedom of speech and expression on a non-discriminatory basis subject, of course, to availability of space and other relevant considerations. A revised, realistic view of Article 19(1)(a) should permit encouragement of expression not only for its protection 'after publication' but also for its emergence as publication."

The neglect of opinion of readers generally and particularly when it is against the views expressed by the newspaper editorially is borne out by the little space available for 'letters to the editor' which has been shrinking in most leading newspapers. The commission's suggestion that the Press Council should be empowered to look into complaints of arbitrary and malafide denial of access to press, did not find favour with five members, most of them editors of newspapers.

Remedy Worse than the Disease

The Second Press Commission was set up by the Janata Government in 1977. When the Congress Party came to power in 1980, the Commission resigned and the Government reconstituted it. The Commission made a detailed study of the question of the entry of big business and industry in newspaper publication. The Commission was of the view that 'if the newspaper industry is concentrated in a few hands, the chance of an idea antagonistic to the idea of the owner getting access to the market becomes remote.' The Commission recommended that legislation should be enacted, if necessary by amending the Constitution, to limit the interest of the industrialist or businessmen in newspaper publication and vice versa. The Commission suggested that the aggregate interest of a newspaper publisher in any other business should not be more than ten per cent of his total interest in the newspaper. Similarly, people engaged in other businesses should not taken together be allowed to have more than ten per cent interest in the business of publishing a newspaper. The Commission said that shares in excess of the prescribed limit should be put for sale in the open market. If such shares are not bought they can be bought by an autonomous corporation or agency to be specified in the proposed legislation.

These recommendations were made by a majority of the members of the Commission. In a note of dissent the members, Shri Justice Sisir Kumar Mukherjea, Shri Rajendra Mathur , Shri Girilal Jain and Prof H.K.Paranjape said "There is no specific evidence before us that industries (with links with the newspaper publication) are exercising appreciable influence on news and views which appear in such newspapers. We also find that no overall policy of curbing the growth and breaking up existing concentrations is being followed in the country, and any policy which affects only the newspaper industry may cause more harm than good."

In this connection it would be only apt to mention the relationship between the Government and the big newspapers as it has developed in the years since freedom. The relationship has been found to be advantageous to both parties. Therefore, both sides make the appropriate noises as and when necessary but nothing in actual practice. Jawaharlal Nehru was an advocate of freedom of the press and was against any restrictions being placed on it. He wanted the press to control itself. He used to hold a press conference every month and answered questions on a wide range of subjects. The system of a regular monthly press conference by the Prime Minister has fallen in disuse.

Instead the emphasis since the seventies has been on the Prime Minister interacting not with editors but more with proprietors. This suits both sides. The Government had discovered that newspaper publishers with other interests are easier to 'manage' than editors. An editor can only lose his job and may be foolhardy to risk it. But the chairman of a chain of newspapers with large interests in other areas will naturally be far more cautious. The big newspapers with one or two exceptions succumbed to Government pressure during the internal emergency declared in 1975. It was the medium and small newspapers, which put up resistance.

The link between big business and newspaper publication certainly had the danger of freedom of the press being jeopardised. It is difficult to suggest a remedy. The suggested by the Second Press Commission is not only impractical but may also defeat its very purpose. Autonomous Corporations in India, it was suggested, were to hold shares of newspapers. If it were so, these newspapers could actually be under the control of the Government.

One particular suggestion stands out in my memory for its sheer audacity. It was suggested that the Press and Registration of Books Act should be amended so as to make it obligatory for every publication to give 60 per cent news in its columns if it was to qualify as a newspaper. It was never made clear what disqualification would mean except possibly loss of the quota of newsprint and the facility to send the publication by post at slightly reduced rate. A newspaper, which incurred the wrath of the Government intentionally, could easily forgo these little concessions because it knew that it would be more than compensated by the rise in circulation and an increase in the rate of advertisement.

Two other suggestions in the proposal were even more strange. The PRB act was to be amended to ensure that the contradiction of a news item had to be published with the same prominence as the original news item. Thirdly, the PRB Act was to be amended so that the number of editions that newspapers could bring out was limited to two in the same State and three all over the country. It was pointed out that the PRB Act was concerned only with the modalities of publication of a newspaper and had nothing to do with its contents. This had been the decision of courts all along.

The proposal as also the recommendations of the majority of the members of the Second Press Commission about delinking the publication of newspapers from big industry was born out of a genuine feeling among the majority of its members that the involvement of big business with the publication of newspapers, made them ' vehicles of the expression of ideology of others and the selection, presentation and display of news in such newspapers would be dictated by the ideology. The newspaper industry becomes involuntarily the cultural arm of other business and industries. They become naturally antagonistic to the implementation of certain key Directive Principles contained in Part IV of the Constitution.'

The joint minutes of dissent by four members—Shri Justice Sisir Kumar Mukherjee, Shri Rajendra Mathur, Shri Girilal Jain and Prof. H.K.Paranjape, however disputed the basic premise of the report about the need for delinking newspaper publication from big business and industry. They observed "As a matter of principle and as parts of an overall policy against concentration of economic power, it might be desirable to delink the Press from other industries. However there is no specific evidence before us that industries with such links are exercising appreciable influence on the news and views, which appear in such newspapers. We also find that no overall policy of curbing the growth and breaking up existing concentrations is being followed in the country, and any policy, which affects only the newspaper industry, may cause more harm than good. Moreover, it must be recognised that there is no virtue in delinking for its own sake. Delinking, if it is to be fruitful, must promote the growth of newspapers on right lines and not result in their emasculation and eventual closure.... We are unable to recommend delinking merely as an article of faith.' These members further observed 'it would be tragic beyond words if, in trying to turn the Press into a public utility, its viability as an industry were to be destroyed.

Press as commerce and as a mission may seem to be too contradictory to reconcile on a purely abstract plane, but in real life much contradictions are resolved in a working synthesis.' These members observed that the system for newspapers to operate as workers' cooperatives, had been tried and had failed.

It is a sign of the changing times that one no more hears talk of breaking monopolies in the press or in other areas or of delinking the press from big business and industry. The opening up of the economy in the nineties has changed the context totally.

Foreign Investment in the Press

The handful of English language newspapers controlled by British financial interests or the journals started by the missionaries had little impact on the minds of the people of India. Only the English knowing people who formed the upper crust of society could read the English newspapers. After the early euphoria over British rule for the law and order which it brought about waned, realisation dawned on the later generations of graduates coming out of the newly founded universities that ultimately India and her people must have a greater say in the management of their affairs and freedom be the ultimate goal. They read the English newspapers brought out by the British but were able to read between the lines and draw their own conclusions. The whites and half-whites naturally believed in the beneficiary role of the British rule. One wonders if it would have made any difference if the British interests had also started newspapers in the Indian languages. The time for that was long past. It had to be in the early years of British rule. An Indian language newspaper supporting foreign rule would have had to fold up soon. As for the journals brought out by the missionaries, these were limited in their approach, and circulated among the new converts. They were mainly concerned with religious matters. Their aim and approach were often at variance even with those of the British rulers. The restricted language of these journals and the limited circumference of their thought and approach made it impossible for them to have any far-reaching circulation.

After India became free, most of the newspapers financed by British commercial interests were passed over to Indian hands. The Government of Independent India looked at the question of foreign investment in the newspapers industry from two angles— will it be economically beneficial to the country and its press; and then what effect would it have in influencing the minds of the people? India's first Prime Minister, Jawaharlal Nehru did not think that readers of newspapers formed their opinion and acted on the basis of what they read. He told the All India Newspaper Editors Conference in 1950, three years after India became free, "The views of a newspaper on political issues may not be accepted. I rather doubt myself if newspapers have any great influence on political opinion. They give the news, of course, but I doubt if they have any great influence politically. You have seen in other countries- democratic countries—how a great number of newspapers have supported one party while another had won the elections. So it appears that newspapers do not have the same effect on public opinion as people imagine they do. I am sure they wield tremendous power; not only through day-to-day news but through the colour they give it, through the restraint or looseness of expression, through vulgarity or its absence. The daily dose, regularly given, affects the reader's mind. If you tell him to do this or that, he may resist; but the slight daily dose, if it is right, improves his mind and, if it is wrong, corrupts it."

The Government of Independent India took steps soon after India became free against the possibility of influencing the minds of the people by administration of small doses of foreign propaganda over a long period. The British news agency Reuters which had a monopoly was made to transfer its assets to the Press Trust of India, formed by Indian newspapers. The Government also decided that the news supplied by any foreign news agency could reach newspapers only through an Indian news agency.

In accordance with the recommendation of the First Press Commission, the Union Cabinet decided in 1955 that no newspaper owned by foreigners could in future be published in India. Foreign newspapers and periodicals dealing mainly with news and current affairs could not bring out Indian editions. Though the decision did not prohibit the publication of Indian editions of technical and specialist periodicals, even such editions were not allowed.

This was a decision of the Union Cabinet and had no legal or constitutional backing. Article 19 of the Indian Constitution guarantees freedom of expression only to Indian citizens. A non-citizen does not enjoy the protection given by this Article but there is nothing to prevent him from bringing out a newspaper in India. Section 5 of the Press and Registration of Books Act says that the declaration for bringing out a newspaper can be filed by a major person, ordinarily resident in India. This has been taken to mean that he should be an Indian citizen. Frequently, officers have refused authentication of a declaration by giving this interpretation. A High Court ruling in 1960 said that obviously the phrase used in section 5 meant much more than temporary residence in India over a long period. The fact that there was nothing in the PRB Act to stop foreigners from bringing out newspapers in India is borne out by the fact that in 1969 the form of declaration was amended. It specifically provided for two categories of prospective newspaper publishers— Indian nationals and nationals of the other countries.

No one challenged the decision of the Union Cabinet about the publication of newspapers by foreigners for the simple reason that the economy of India had become a closed economy. Indian industry was being protected against competition from abroad in the hope that it would grow in the captive market. There was a heated debate when some proposals for foreign collaboration in the publication of newspapers came up. These included a joint venture to bring out an Indian edition of the *Time* magazine and the publication of a financial daily in collaboration with the *Financial Times* of Britain. By the time these proposals came, Indian economy had been opened to outside collaboration in several sectors. It was argued that if we have foreign investment in other sectors, why should we not have it in newspaper publication also? It was contended that the entry of foreign newspapers would mean improvement in the standard of Indian newspapers.

The opponents of the move pointed out that the publication of newspapers or the running of radio and television stations might be commercial ventures but they were of an entirely different nature. Many developed countries like Sweden, Switzerland and Netherlands have rules against foreigners publishing newspapers or opening of radio or television stations. Approval of the British House

Commons had to be taken before Rupert Murdoch could gain control of the *London Times* or the *Observer*. Critics of the move also cited the instance of Australia where Rupert Murdoch a foreigner operating in the media played ducks and drakes with the politics of the country by shifting his support from one party to another. He first supported Bob Hawke and then opposed him. In Britain, his support to John Major is considered a major factor in bringing down Mrs Thatcher.

The debate between the protagonists of throwing newspaper publication open to foreign investment as in other areas of the economy and those opposed to it continued for quite sometime. The two sides were more or less evenly matched. The arguments for and against were equally weighty: Finally, the Union Government permitted foreign investment upto 74 per cent in Indian entities publishing scientific, technical and special journals. Foreign investment up to 26 per cent is allowed in newspapers and periodicals dealing in news and current affairs. The Government said that there will be suitable safeguards like verification of antecedents of the people involved, keeping the editorial and management control in the hands of resident Indians and dispersal of Indian equity in such enterprises.

The Union Government has on its part provided sufficient safeguards. But it is important to remember that once the door is opened even slightly, the users gradually make the gap wider and wider. Many prestigious magazines like the *Time* are sleeky in appearance but have a pronounced bias against India on key issues like Jammu and Kashmir. At present it circulates among the top echelons of society who alone can afford to buy it. What will happen when it brings out an Indian edition and much worse, editions in Indian languages? These well-produced journals read by large segments of the Indian masses over a length of time are bound to influence their thinking.

Foreign equity in news and current affairs newspapers and journals may be limited to only 26 per cent but there are other ways in which money from abroad can reach them. It is well known that in the fifties and sixties cheap editions of literary classics were sold on the streets of Indian cities. These were published in the Soviet Union and its satellite countries. The sale proceeds went to political parties and journals supporting the Soviet Union. Some embassies put in large advertisements in the newspapers of their choice. In some cases the payment for them was much higher than what other advertisers paid.

Once the door is thrown open to foreign investment it is bound to be opened wider and wider. The danger from Indian editions of prestigious foreign newspapers and journals is nothing as compared to the danger of the entry of foreign capital openly or secretly in small and medium newspapers published in Indian languages and brought out from small centres. Foreign propaganda suitably sugar coated and served in small doses over a long time would certainly affect the minds of the readers. That was the danger to which Jawaharlal Nehru had pointed and against which he had cautioned.

THE LITMUS TEST

Except for a few years, the number of newspapers published in India and their circulation has been going up by five per cent every year. A newspaper is probably the only manufactured product in the world, which is sold at a price far below the cost price. The extent of the gap between the two differs from newspaper to newspaper, depending on the price and the pages that it gives. The gap is covered by the revenue from advertisements. In earlier days when commerce and industry had not yet expanded, one heard talk of an optimum level of circulation. The advertisement revenue was able to cover the gap between the cost price and the sale price if the circulation was below this optimum level. When it crossed this figure, every extra copy sold meant that much more loss to the newspaper industry. One no longer hears of this optimum level. The revenue from advertisement is now enough not only to cover the increase in circulation but also to help the publisher give more pages, and to decrease the price further and even then make more money.

The increase in revenue from advertisements is due to both increase in the rate of classified and display advertisements as also greater space for advertisements in newspapers. The leading newspapers in the New Delhi region are involved in a bitter struggle to prove that they are the number one newspaper. Seventeen or eighteen pages out of the 30 or 36 that they give on weekdays are devoted to advertisements. The price is Rs. 1.50 per copy. On Sundays both give 56 pages; one is sold for Rs. 3.50 per copy and the other for Rs. 2.75 per copy. Out of the total number of pages on Sundays, 30 in one and 36 in the other are covered only by advertisements. This is natural because on Sundays both newspapers carry pages of matrimonial advertisements. Everyone is happy. The publisher because the paper is making money and the subscriber for quite another reason. The journalists and other newspapers employees are happy because higher profitability means not only security but also higher wages and possibly larger bonus.

The publication of newspapers has become an industry though still only a peripheral industry. Wages have gone up for workers both in the editorial and the management sides. Journalism has become attractive as a profession and many among the best brains of colleges are drawn to it. The new breed of journalists is mentally and educationally better equipped than the earlier generations. They have taken up the profession and have not as in the old days strayed into it. They know that they have to succeed in a profession, which has become more challenging and competitive, as the returns have increased. They write better and have developed a new style, which marks them out. They are prepared to learn and unlearn. They are not afraid to experiment and take an occasional failure in their stride.

Everyone seems happy with the way newspaper publication has grown or the way journalism has become an attractive profession. Possibly the only section unhappy with the way things have gone is the serious reader who wants news about his city, his state, his country and the world and not more and more advertisements spread over page after page of newsprint.

With advertisements occupying more and more space, news priorities are often decided by advice from the marketing department. Hard news cannot be ignored for fear that the competitor may get the upper edge. But basic principles of journalism are sliced away so as to cut down a news item to the barest minimum. The contest for space makes compulsions of the market more important than the professional conviction that the basic purpose of a newspaper is to inform and educate society. The introduction of electronics in newspaper offices has made newspapers increasingly more attractive and has simplified production and promoted sales. However this has also meant that newspapers must conform to the modular style of the computer programme. The content must fit the design rather than the other way round. In other words, the building must be according to the design drawn by the architect, no matter that it does not satisfy the person whether the person staying in it is satisfied or not.

Mr Ajit Battacharjea is the former Director of the Press Institute of India and has been associated with leading newspapers of the country for more than five decades. He put the problem in clear words: "Lengthy stories are discouraged or cut down, even if the subject requires length. And occasionally, brief stories are expanded with unnecessary words and detail to fit the required size. In some leading papers, pre-packaging has gone to the extent of dictating that front page stories may no longer be continued on another page. Design purity must be maintained at all costs. The cost is paid by the content. The modular approach suits stereotyped, pre-packaged news items churned out regularly by news agencies and newspaper bureaus to fit the preferred size. It does not encourage reporting of emerging grass root social issues that takes effort to organise and space to explain."

Very few people might notice or much less agree that the character of the publisher has also changed. The earlier publications could be classified in three groups. In the first were the few brought out by British commercial interests who were supporters of the British *raj*. The largest number of newspaper publishers mostly those who brought out their journals in Indian languages were those who looked upon newspaper publication as a means to reach out to the largest number of people. When Bal Gangadhar Tilak launched the *Kesari* in 1881, he kept the annual subscription for the weekly as low as a rupee so that even the school teacher in a remote village might be able to subscribe to it. This could be classified as the second goup of publishers. The third comprised a few capitalists who entered the field of newspaper publication not so much for profit but as their contribution to the freedom struggle. Many of them ploughed back the profits they made from their flagship publications to support publications in Hindi and other Indian languages or in bringing out cheap editions of classics so that the largest number of people might be able to read them.

One would normally expect that prosperity and greater profits would make this group of Indian capitalists and industrialists to plough back much greater amounts to sustain publications and ventures which may not be profitable at present but would have had the seeds of greater profits in the future. In any case, they were making valuable contribution in the field of art and literature. But exactly, the reverse happened. The result was that many such publications closed down, when a little more effort could have made them profitable. The argument was simple—why should we spend good money in trying to revive or keep afloat these publications? It was therefore that publications like the *Illustrated Weekly*, *Dharmayug*, *Ajkal*, *Wama* and *Saptahik Hindustan* had to stop publication. There must also be other such publications.

It makes one sad to think that in the six decades since India became free, many newspaper publications, once known for one reason or the other, have been forced to close down. The *Amrita Bazar Patrika* was a fearless crusader for freedom. Sir C.Y. Cintamani and his *Leader* were very much a part of the Liberal Party. *The Leader* and its Hindi sibling *Bharat* are no longer published. *The Patriot* launched in the early sixties as exponent of Communist thought and *The Motherland* the exponent of the *Hindutva* ideology have both ceased publication. *The Mail* of Chennai could not face the stiff competition from *The Hindu* and *The Indian Express* and folded up. Tilak's *Kesari*, Shiv Prasad Gupta's *Aaj* and Jawaharlal Nehru's *National Herald* are pale shadows of what they once were. How many today may remember that Mahatama Gandhi used to bring out *Navjiwan* and later the *Harijan* and that news agencies circulated his editorials all over India?

It is not obituaries and more obituaries of newspapers of an age, which has disappeared. *The Indian Express, the Hindustan Times, the Times of India, the Hindu,* have all become multi-edition newspapers bringing out editions from as many as 10 or more centres. They are big newspapers and so are their Hindi counterparts coming out from more than one centre. Medium newspapers have also not lagged behind. Significantly, they were the first to take advantage of the advance in electronics and information technology to expand

and start new editions. Some newspaper chains were set up in the last three decades of the last century like *Amar Ujala, Aaj, Bhaskar, Rajasthan Patrika, Jagran, NavBharat, Rashtriya Sahara, Deshbandhu, Punjab Kesri, Lokmat, Sakal, Thanthi, Eenadu, Malayala Manorama, Mathrubhumi, Gujarat Samachar, and Sandesh etc.*

These editions of medium newspapers are giving the run for money to Indian language newspapers brought out by the bigger English newspapers. The main reason for this is that they have their ear very near the ground. They are therefore more receptive to the feelings of the people than local editions of bigger newspapers. The latter may have more resources and better technology but are often carried away by the feeling that they have all the answers. These papers often overlook hard facts and are swayed by their own perception. The local editions of medium newspapers have to some extent fulfilled the demand for local or district level newspapers.

The local newspaper dealing purely with local news has not emerged in India for two reasons. Firstly, there is not enough support from the advertisers at the local level to sustain such a newspaper. The other reason is typical of India and possibly other developing countries in the region. The newspaper played an important role in the freedom struggle. Eminent political leaders and equally eminent journalists wrote for them. This created among their readers a feeling of belief almost bordering on reverence about the newspaper. They expect that it should discuss weighty issues. To a large extent this feeling is still prevalent there. Most readers of even small and medium newspapers would be taken aback if their paper begins reporting local events for no other reason than the fact that these took place next door. They may want something on entertainment but not that the newspapers should waste space on what they feel are inconsequential events. It will possibly take some time before the interest in local events is aroused to sustain a local newspaper.

Many people have pointed out that though newspaper publication in India has made great progress, the country does not yet have a mass circulation or a national newspaper. Such a newspaper presupposes the existence of a link language understood all over the country. Also, people speaking the language must be living within striking distance from the place of its publication. What is more important is that these people would like a comprehensive coverage of national and international matters and not just important news. It needs to be pointed out that even in countries, which have such national newspapers, their subscribership is confined to libraries and scholars. A common reader does not have the time to go through the voluminous *New York Times* or *The London Times*. He prefers the much thinner and lighter newspaper which might not be comprehensive in its coverage but still meets his desire to know all that he wants to know about his city, state, country, sports, economics, commerce and the world outside. The conditions necessary for the emergence of a national newspaper do not exist in India. At least for the time being therefore one will have to accept the hard reality that India does not have and may not have in the near future, a mass circulation or a national newspaper.

Whether we like it or not, we have to accept the fact that there is no likelihood of a change in the structure of the press as it exists in India. A small set of newspapers with large circulation and multiple editions at the top, rivalled at the regional level by chains of medium newspapers published from several centres inching their way towards a big league and then a very large number of small newspapers at the fringe of readership support is the pattern. Successive governments at the centre and in the states have talked of encouraging small and medium newspapers but nothing substantial or worthwhile has been done in the direction of making them self-supporting. For most of these small newspapers it is, as before, a hand-to-mouth existence. Having accepted the hard reality that there is little possibility of change in the present structure of the press, it will be interesting to see how far the press in India has by its performance stood up to the test in the years since independence.

The Three Main Functions

It is generally accepted that the three main duties of the press are to inform, to educate and to entertain its readers. The order in which these are mentioned also indicates the priorities. The performance of the press can be judged by these three tests. Let us take the first function. What is the area to be covered by the information that is conveyed? This in turn is determined by the people that one has in mind; in other words the readership of the publication. Teleprinters, telephone, fax machine, and word processors push in thousands and thousands of words round the clock. In his paper 'News Values and Cross cultural Communication' written for the UNESCO, Mr Pran Chopra, former editor of *the Statesman*, says "The journalist confronts innumerable events every hour of the day and handles innumerable messages about them. Out of the heap, he picks a few purely by his own subjective judgement, and puts them on a paper of whose ultimate destination he has no idea. His audience is varied and largely unknown to him. And lately he has begun to care a little less about what his reader's preferences are and to care a little more about what he thinks they should be."

It is true that the readership of a newspaper, how so ever small it may be, covers a wide spectrum of society and it is impossible to satisfy everyone. But then it is equally true that no newspaper in India has tried to find out the views of its readers about the information they expect from their newspaper. In the words of Fernando Reyes Matta of Mexico "News is defined by a specialised sector of society which, in the name of society evaluates, selects, orders, interprets and finally presents the facts processed in a given hierarchy. This specialised sector is composed of journalists, governmental information officials and media managers. If one considers information as a growing process of alternative education, how can one accept a conception of news, which seeks the exceptional, anecdotal, negative, abnormal and impacting?"

It is commonly said that if a dog bites a man, it is no news; it is news only when a man bites a dog. A newspaper is published every day. Should a newspaper therefore wait till a man bites a dog? That would be suicidal. The journalist sitting in air-conditioned rooms in newspaper offices sifts through the plethora of material piling in from various sources looking for the unusual and therefore interesting bit which he decides to include in his newspaper. His selection is purely subjective. He has no means of knowing if the reader sitting in a far away place or even in his own city may find it interesting. If the reader does not find it so, he can only turn the page in search of something better. How many readers pick up the pen and write to the newspaper against the wrong selection of news? And if they do, how many newspapers will allow a reader or even a group of readers to question the judgement of the journalist employed by them? The letters to the editor published by newspapers sometimes include some voicing criticism of the views expressed in the newspaper. But I have found no letter criticising the selection of news. Even the readers seem to have accepted that it is for the publisher to decide what is to be published.

It is not that the journalist selecting news or those laying down the guidelines for him in the office function arbitrarily and have no yardstick. He knows that no one is interested if there is peace and harmony in the neighbour's house. However, let voices be raised and all ears are tuned in that direction. On a wider scale, conflicts make news, peace and tranquillity do not. Man may never bite a dog but if politicians snipe at each other then this makes news.

Another test for selection is immediacy. What happened yesterday and in the neighbourhood is important. What happened some time ago, how so ever significant it may be in the larger perspective is not. This hampers any in-depth study of pressing problems. When Ms Medha Patkar is arrested while leading an agitation against the Narmada Project, it becomes news. But how many newspapers have published articles by experts in water management, agriculture and conservation about the plus and minus points of the Narmda project? Is it a problem only for the politicians? Similarly, how many newspapers have published analytical articles about the disinvestment programme of the Government? The same holds true about a number of other issues.

The unusual and the bizarre is yet another area, which attracts the selectors of news. A few years ago, Indian newspapers devoted columns and columns of space to the death of Princess Diana and in 2003 to the election of a new governor for California State in the USA. What relevance did these news items have for an average Indian reader? The Best Bakery Case or investigation of the murder of the poet in Lucknow and the involvement of the politician were events much nearer home, but did they get the same importance? The search for off-beat news items sometimes leads to trivialisation.

Many observers have commented on the preoccupation of the Indian press with politics and politicians. The Second Press Commission said in its report "There would be nothing wrong if it were preoccupation with politics in the large Aristotelian sense of concern with the building of a society, which shall make the good life possible. The preoccupation, however is largely with petty politics of conflict between and within political parties and with the sayings and doings of Ministers and other prominent politicians." To a large extent this holds true even today, 21 years after the publication of the report. When India became independent in 1947, the Socialists were considered to be the most likely to succeed the Indian National Congress. This has not happened. The Socialists today are a fragmented lot. They march under different labels and flags and almost every major party and its leaders claim to be Socialists. Why has the Socialist movement in India disintegrated? Normally, this should have been a fitting subject for a national debate but no newspaper has even mentioned it. That is so because it is easy to report squabbles. They make good copy but the analysis of fundamental issues will need time and energy that the newspapers are not prepared to spare.

Politics still continues to be the staple food for our newspapers but to a lesser extent than before. The politician has had to yield prominence to actors and actresses and to some extent players, particularly cricket players.

Another group, which had pushed the politician to the background, is the diplomatic corps in New Delhi. With more than 100 embassies in New Delhi, their national days, the coming of a new ambassador or the going away of another are everyday occurrences. The parties that the diplomats throw are gala affairs. Equally gala affairs are the parties given by the *novoeau riche*. They are attended among others by actresses and models—ideal fare for the lens persons. The doings and non-doings of politicians, actors, actresses, models and sometimes players have relegated the serious and the important to a corner. Even newspapers, which not long ago were respected for being thought provoking, have given in to accept the primacy of what is commonly known as the 'page three culture'.

Mr Inder Malhotra has been connected with the print media for more than 50 years and is a former editor of *the Times of India*. He comments, "There have been days when one has looked in vain for some vital national or international news in major newspapers because it was either ignored altogether or dismissed tersely in a few lines. The space thus 'saved' has usually been devoted to the detailed narration of the peccadilloes of say, Fergie, the Duchess of York, or to display large pictures of models and starlets, Indian and foreign, and other such diversions."

Even people in newspapers who print such matter are not happy with the trivialisation of the newspaper at the cost of information, which the reader has the right to seek, and the publisher the duty to provide. Two main agreements are advanced by them to justify what they do. The first is that the press must give the reader what he wants. But the question arises- 'has any newspaper in India tried to find out what the reader wants?' or one has to just go by what the proprietor and journalists perceive as their preference? Then again, if the wishes of the readers are to be the deciding factor in the choice of news, why not go the whole hog and give the reader the hard porn which he may find much more salacious than the diffused version dished out at present?

It may be mentioned that the desire of the film producers to give the viewer what he wants is given as the reason for the churning out of hundreds of 'formula films' year after year. But the film industry has never claimed a special status for itself. Unlike the newspaper, every film has to be approved by the censor before it is released. Neither has the film industry claimed that information or education are its objectives. Whatever contribution it has made in social reform has come about indirectly by a clever mix of entertainment and education. On the other hand, the press has claimed for itself a special position in democracy. Freedom of the press is guaranteed in all democratic systems because it keeps the citizen better informed and therefore better equipped to make his contribution towards better governance. It is not a privilege given either to a business undertaking or to a profession.

Changing Horizons

The volume of information flowing into newspaper offices from various sources—news agencies, correspondents, governmental and other publicity and public relations agencies, has grown tremendously. Space devoted to news has not grown in that proportion. The task of selection has therefore become that much more difficult. Coverage has widened in some areas. Far more attention is now given even in the medium and small newspapers to economic and commercial news. Except when there is a break through, science and technology, medicine, atomic energy, space and electronics get only casual mention. Agriculture also does not get much attention in our newspapers, except when there is a crisis. The Constitution was amended in the eighties so as to give more powers to *panchayats* and to make the people living in the villages partners in governance. Does one read any report as to how the experiment is working? Has it really meant empowerment of women and the weaker sections of society? Is the subject not worthy of notice by our newspapers?

Another area where the newspapers fall short of expectations is defence. For obvious reasons, a certain degree of secrecy is necessary because of the sensitivity of the subject. But one has also to remember that the duty to the people should take precedence over false notions of national pride or loyalty to a leader. Two instances will bear this out. By the late fifties it had become clear that the threat to India from China was assuming dangerous proportions. M.N.Roy had in fact cautioned the Government about China's real intention to cut India down to size from the high position, which Nehru had built for it. It was also true that the Indian armed forces were not only smaller but were also ill-equipped to take on the Chinese army which had been engaged in actual warfare for more than 30 years. The experience of the Indian forces of actual combat was limited to World War II, which had ended in 1945. Its lessons had been substantially revised in the Korean

War. Yet our newspapers fought shy of telling the people that it was better to negotiate rather than fight the Chinese in 1962. If the then leaders and the officers and men of the Indian Army are to be blamed for the debacle of 1962, is it not that part of the blame lie with the Indian press for not cautioning the nation against the dangers of any hasty action?

That happened in the sixties of the last century and may seem long ago. But more recently after the attack on Parliament House in New Delhi, the Government moved almost the whole Indian Army to the Pakistan border. Lakhs of officers and men spent ten months in an eye for an eye confrontation with the Pakistanis. Then the troops were ordered to return to their peace time locations. No newspaper dared to comment on this. It is an accepted fact that such a confrontation between two armies for a long period saps the morale of the troops. This is not to suggest that because the troops had been pushed to forward positions, there had necessarily to be a conflict. That was the last option. In practical terms did the movement have any effect in making Pakistan close down its camps for training of militants for acts of violence against India? The question naturally arises what exactly did this massive movernent involving lakhs of men achieve? The people have a right to know. And the newspapers can ask for information and to know why the troops were moved and what exactly was achieved by the ten month long confrontation.

Our newspapers, it seems, believe that defence is a subject best left to the politician or the men in uniform. But beyond the immediate problems, there are larger issues, which need discussion and analysis. It is known that there is a shortfall in the number of officers. Bright young men are no longer coming forward to join the Armed Forces. There is also a shortfall in the number of young men coming forward to join as soldiers, sailors or airmen. Is this not a matter of serious concern? Is the shortfall due to the fact that the pay and allowances are no more attractive as compared to other avenues of employment? Whatever the answer, the question certainly merits discussion in the media, but is not even mentioned.

Blinkers on Foreign Affairs

Iraq, Afghanistan and Palestine are the world's major trouble spots and it is natural that like the press in other countries, the press in India also gives news about them. But all the coverage is based on reports circulated by western news agencies. The Indian involvement in the region is noticed only marginally. How many newspapers have bothered to write about the Indian nationals and people of Indian origin living in Afghanistan. They suffered under the Taliban regime. How are they faring under the new Government there? As for Iraq, how many newspapers took note of the fact that since the monarchy was overthrown in Iraq in 1958, that country has been a steadfast ally of India. In the face of overwhelming opposition from other Islamic countries, Iraq supported India on all major issues including Kashmir. As for the Israeli-Palestinian conflict the coverage by the international news agencies is strongly biased in favour of Israel and these reports are carried by Indian newspapers. How many newspapers have bothered to point out that the State-sponsored terrorism by Israel or Pakistan is far more dangerous to world peace than acts by Palestinian commando groups?

News from all these areas appeared in our newspapers because it came to them under agreements between Indian news agencies and western news agencies. There has been no attempt on the part of Indian news agencies or newspapers to find out the truth. But then one likes to ask what about the trouble spots nearer home? Must we take note of affairs in Nepal only when almost the entire royal family is wiped out in a shoot out or there is loss of life in encounters between the Nepalese security forces and the Maoist insurgents? How is the democracy functioning under a constitutional monarchy? How are the relations between people living in the Baghmati valley in the areas around Kathmandu who consider themselves as true Nepalese and the people living in the 'terai' areas on the border and who are often contemptuously called by the former as 'muji' (wretched) madhesias? Much of the discontent in Nepal can be traced to this conflict of interests. Does it not merit attention by our newspapers?

It is difficult for an Indian news person to function in Pakistan. But our newspapers have paid very little attention to neighbouring countries like Srilanka and Bangladesh who like us are also fighting separatist movements, which often adopt violent means. It makes one sad to notice that in the days before independence, when newspapers had few resources and the major Indian news agency Associated Press of India was tied to the apron strings of the British news agency Reuters, our newspapers found ways to give expression to the hardship suffered by the people of Indian origin in South Africa and other countries. This was done by printing news letters from these countries. It must be mentioned that Indian language newspapers were in the vanguard in giving expression to the hardships of these people. The names of Mahatma Gandhi and Gopal Krishna Gokhale are always remembered but what about the editors and the correspondents who also gave expression to the sufferings of the people?

I wonder if many people have noticed that the news letter giving an in depth analysis has almost disappeared from our newspapers except when it relates to major political developments involving India. In a large country like India, it is difficult for people living in a State to know much about the other areas. The news letter used to fulfil this need. Its disappearance from major newspapers has created a situation where one gets scanty reports from distant States but there is no attempt to connect the event to the larger picture. The conditions of people of Indian origin in Afghanistan or in other countries or the roots of the insurgency in North-eastern States and other subjects like these are generally ignored by our newspapers because they do not fit into the strait jacket format imposed by the computer.

The Educative Role

In earlier days, the newspaper paid great importance to its role in educating the people. The benefits of education had till then reached only a small section of society and the bulk of newspaper readers looked to the editor as their mentor. The editors and publishers of nationalist newspapers on their part realised that it was not enough to arouse among the people sentiment against foreign rule. It was equally necessary to acquaint them with both their rights and responsibilities. Mahatma Gandhi said in his autobiography "One of the objects of a newspaper is to understand the popular feeling and give expression to it; another is to arouse among the people certain desirable sentiments and the third is fearlessly to expose popular defects." In keeping with these objectives newspapers educated the readers about their rights under the Famine Code, the relief to which they were entitled, the need for social reform, the emancipation of women and their education, the pernicious practice of untouchability, the danger of addiction to liquor, and social customs based on superstition. Some magazines took up the question of fraudulent religious leaders who duped innocent people while others took up the question of mismanagement of religious places etc.

Maharshi Dhondo Keshav Karve is well known for his pioneering work in the emancipation of Hindu widows and was awarded the *Bharat Ratna*. Not many care to remember that his eldest son Raghunath Dhondo Karve took up the question of family planning almost 80 years ago. It was in those days known by the much more functional but crude label of 'birth control.' Karve's Marathi magazine advocated birth control at a time when the word was not even uttered in Indian homes. The birth of a child was considered as God's gift and any attempt to tinker with it sacrilegious. The younger Karve was a teacher in a missionary institution and risked his job for a mission which he considered essential. There were many others who ran campaigns in their small newspapers and magazine for causes which were unpopular but which they considered just and beneficial.

The educational role of a newspaper receded to the background for two reasons. Firstly, bigger issues like winning freedom from foreign rule occupied the first place in the agenda of the nationalists. Social issues, it was felt, could be tackled after the country became free. Secondly, as more and more people became educated, they were not ready to seek guidance from the editor. The emphasis now was on information and the educated reader wanted that he should be left free to form his own opinion.

However there are issues, which go beyond political or religious differences and have to be viewed in the larger perspective. The question that now arises is-does the newspaper not owe to the people to give the correct lead on these? It can be argued and with some justification that it would indeed be difficult to identify such questions. What may appear to be absolute truth for one section may be contentious for others. It will naturally be for the newspaper to decide exactly which question can be classified as a national problem. Still it will be easy to identify some issues. The unchecked rise in population has been eating away whatever benefits were brought about by national development. Unfortunately, no political party is now prepared to touch this problem even with a barge pole. Memories are still fresh of the routing of party in power in the elections held in 1977 because it adopted strong methods in propagating the family planning programme during the national emergency declared in June 1975. But should that be reason enough for our newspapers to turn a blind eye to the population bomb, which is ticking away to national disaster?

There are many such problems, which have to be viewed in the national perspective, and about which it is the duty of the press to educate the people. To name only a few— the excessive use of chemical fertilisers is dangerous to the fertility of the soil. In a letter to Prime Minister Jawaharlal Nehru, Albert Einstein, had cautioned India against this. In our desire to grow more foodgrains we have forgotten the dangers of excessive use of chemical fertilisers. Is it not the duty of the press to caution the people about this? Another issue is the neglect of primary and secondary education at the cost of higher education. We may have more Institutes of Technology, more Engineering Colleges and such institutions but the result will be increase in the level of education of the job seekers. The answer possibly lies in providing technical education which can be put to practical use in our villages, so as to set up small industries which are much more employment intensive and need less capital than the large factories.

It is easy to enumerate problems like these on which it is necessary in the national interest for newspapers to educate their readers. But a word of caution is necessary. No one, least of all an educated person, wants to feel that he is being educated— in other words brain washed. That is why newspapers and journals owing loyalty to political parties have come to grief. Many have folded up while others have no circulation. The educational role of the newspaper has to be carried out with a lot of finesse. It has to keep just a step ahead and not too far ahead of popular sentiment. Otherwise, the effort may prove self-defeating.

The Press and Entertainment

How much entertainment does an average newspaper these days provide? I am afraid not much. In the years before independence, newspapers like *the Pioneer* which were then almost totally with the Government had no hesitation in making fun of the pompousness of the rulers. 'The Slings and Arrows' of *the Pioneer*, Pothan Joseph's 'Over a cup of tea' or Monishi Roy's column in *the Amrita Bazar Patrika* are remembered even today long after these have disappeared. Newspapers in Hindi and other Indian languages were even more enterprising. Leading humorists like Bedhab Banarasi wrote regularly for Hindi newspapers. One looks in vain for humour in our newspapers today. Is it because the publishers have become sanctimonious and the leaders more sensitive? Are the newspaper owners more afraid of the Government today than they were under British rule? The third editorial, which was once devoted almost exclusively to humour and satire, has lost its punch and pungency. It is either adulatory or downright denigrative depending upon whether the proprietor and editor are blind followers or opponents of the subject.

The reason possibly lies in the change in the nature of the press. The proprietor with too many irons in the fire is far more afraid of the rulers than in the old days. The rulers, whatever their hues, take themselves far more seriously and the belief in their infallibility almost borders on self-deception. This naturally rubs on their followers who take to the street at the least suspicion that their beloved leader has been slighted. There have been instances when journalists have been beaten up and newspaper offices attacked not so much because of opposition to political ideas but because of suspicion that 'the beloved leader' has been ridiculed.

In the days before Independence, Shanker's cartoons made fun of the Governor General, Lord Linlithgow and members of his Executive Council. Linlithgow did not mind. When he returned to England he carried with him a collection of Shanker's cartoons about him. Neither did Mahatma Gandhi mind when Mrs. Sarojini Naidu observed that ' Mahatma Gandhi did not know how much it costs the nation to keep him in poverty.' Nor did Gandhi mind when Rabindranath Tagore observed that the white of the khadi was the colour of intolerance. But generally, we Indians are sanctimonious and pompous where the leaders and the objects we revere are concerned. The journalists naturally tread carefully for fear of treading on sensitive corns.

The cartoons of people like Lakshman bring a whiff of fresh air. Otherwise our newspapers have very little to make us laugh. The cartoon strips 'Blondie', 'Bringing up Father' or Dennis the Menace' are reproductions of cartoons published in England or America. They are not only out of tune with Indian conditions but they are sometimes published months after they were first published and have therefore no topicality. One can see Dennis throwing snow balls while the people of India battle with the heat of the summer sun! Is it so difficult to produce original cartoon strips in India? Why has the humour column disappeared from most newspapers? Is it fear of the politician, or fear of the consequences which the proprietor, who had many more important things at stake than his newspaper might be faced with? One can only wonder. And then why is it that the poem and the short story have disappeared even from Sunday supplements?

The newspapers in India today is brought out by a set of people who have never bothered to find out what the readers want. They feed them with what they think they want. It has an urban base both in terms of production and circulation. It is easy to complain that the newspaper panders to the taste of the urban elite but then what can one do if the publisher and the editor feel that that is the class which reads the paper? All the attention is centred on politics supplemented by sports, mainly cricket or golf, pictures of social get - togethers etc. The horizon of information, education and entertainment is decided by the marketability.

A conference of editors was held at Vrindavan in 1925 to coincide with the annual session of the *Hindi Sahitya Sammelan*. Baburao Vishnu Paradkar, considered the

Bhisma Pitamah of Hindi journalism had this to say in his presidential address about the newspaper of the future - "The newspapers will be things of beauty in all respects, the size will be bigger, the printing will be good. Beautiful, entertaining and informative pictures will be published. There will be variety in the articles, there will be imagination, a glimpse of serious research and the power to attract. The readership will be in lakhs. All this will be there but the newspapers will be without a soul. The policy of the newspapers will not be the policy of patriotic, religious or large hearted editors committed to humanitarian values. Writers with these attributes will be considered as people with mental aberration. They will not be able to reach even to the chair of the editor. Wage earning editors will do the bidding of the owners."

THE PRESS AND THE THREE PILLARS OF STATE

The legislature, the judiciary, and the executive functioning under a Government voted to power by the people are the pillars of democracy. So is the press. It is therefore an irony that when one talks about threat to the freedom of the press, one or all of these institutions considered vital for the functioning of democracy are identified as the likely source. It may seem paradoxical that the press should be suspicious about the intentions of the legislature, the judiciary or the executive, when they and the press have the same objective—making democratic governance successful. However, one has to remember that dictators like Hitler, found the freedom guaranteed by democracy an easy way to come to power. Freedom was used to kill freedom, particularly freedom of the press and the right of the citizen to express himself freely. The law was followed to the letter but the soul of democracy was stifled.

In our own country, the freedom of the press was the first victim of the state of internal emergency declared in June, 1975. The press was placed under censorship. The White Paper on the misuse of the censorship issued in 1977 observed "Precensorship was frequently used to harass editors, who did not tow the official line, with the purpose of compelling them to fall in line." The action taken against some journalists has already been referred to in a previous chapter. Advertisements were denied to a number of newspapers and even the work of printing of Government journals and magazines was taken away from newspaper presses, which were considered unfriendly. Let us now consider the interaction between the press on one hand and the executive, the legislature and the judiciary on the other.

The Executive

The executive is the wing of the State with which the press comes more into contact as compared with the legislature or the judiciary. The chance of a conflict is therefore much greater. The scribes come into contact with the Government functionaries from the *tehsildar* and the sub-inspector at the village level, the District Magistrate and the Superintendent of Police at the District level, to Secretaries and Ministers at the state and national capitals. The degree of tolerance to criticism in the press goes up and up as one goes up the ladder. There is also reluctance at the higher level to use 'extra constitutional means' to teach a lesson to what the authorities consider erring newspapers, editors and correspondents.

The police and other law enforcement agencies are an important source of news for the press. But it has to be remembered that they give the press only as much information as they like. This is also true of other Government departments. The question naturally arises how far is it the duty of the press to help these agencies? Where the information concerns the security of the State, it is certainly the duty of the press to inform the concerned authorities. But in other situations it is not the duty of the press to part with information because that would reduce pressman to the status of police informers. Every case has to be judged on its own merits. No hard and fast rule can be laid down. A timely tip given to a friendly police officer may earn his goodwill but care should be taken to see that it

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does not violate the confidentiality of relationship between the pressman and his source.

Openness of the administration is the soul of democracy. The people have the right to know how the Government that they have voted to power is acting in order to fulfil the promises that the ruling party had made before the election. The people can make up their mind and take the right decision at the time of the next election only if they get the necessary information regularly. It was recognised by the end of the last century that information was itself a powerful input. As one eminent thinker said " A popular Government without popular information or the means of acquiring it is but a prologue to a farce, a tragedy or perhaps both." Prof. Harold Laski says in 'Grammar of Politics' that "A people without reliable news will sooner or later be a people without the basis of freedom."

While everyone agrees that it is necessary for the success of democracy that the people should be kept regularly informed about the actions of the Government, a million-dollar question is how do the people get the information that they want? The framers of the Indian Constitution adopted the West minister form of democracy. Here it is presumed that the people can get all the information that they want through questions asked by their representatives in the legislature. Seems simple, but India is a very large country. It is not a federation of States nor does it have a unitary form of Government like Great Britain. It is a mix of the two systems. The powers of the Centre and the States have been demarcated yet the balance is increasingly tilted towards the Centre. The activities of the Government are no longer confined, as during the days of British rule, to maintenance of law and order but cover almost all spheres of national stage. The citizen may or may not want information about national problems but about matters nearer home, like the development of his village, sub division or district.

He may find it difficult even to meet the member of the State Legislature from his area and even if he is able to meet him, the legislator may or may not agree to ask the question. Even if the question is asked, the reply may not give all the information. It is even more difficult for an ordinary citizen to meet the Member of Parliament from his area. Constituencies like Thane in Maharashtra and outer Delhi have nearly 30 lakh voters. Is it possible for a member from these constituencies to attend to so many people?

The limited opportunity that the system gave to the people to obtain information is thus shrinking. Yet the people must have information. How do they get it? There is no difference of opinion about the need for secrecy on subjects like defence, national security, foreign affairs, delicate negotiations on trade and commerce with other countries or atomic energy. The common man rarely asks for information about these matters. His questions mostly relate to the schemes of development in village, district or area through his representative in the area.

Many a national or State level problem is solved not by the initiative of the national or State level leaders but by the common man determined to find a way out. The first step was taken in Karnataka to secure for the people the right to obtain information. The Karnataka freedom of information bill proposed to give the people the right to obtain information on all except ten sensitive subjects. The Bill was discussed and then referred to the Press

Council for its advice. The Council gave its opinion on the Bill but no further action was taken.

The attempt in Rajasthan however brought concrete results. *The Mazdoor Kisan Shakti Sanghatan* was set up in 1994-95 to secure for the people the right to receive information about the work actually done in the area on the schemes to eradicate poverty and unemployment. The people demanded neither bread nor jobs but an account of the funds supposed to have been spent for their welfare. It started on a small local scale but soon spread all over the State. The Government was compelled to issue orders to introduce transparency in the working of Government at the *Panchayat* level.

Later, the Assembly passed a bill giving the people the right to obtain information. Similar bills were passed by the other States also. The demand for legislation at the Central level also gained momentum and the Freedom of Information Bill was introduced in the Lok Sabha in 2000. It was referred to a select Committee of the two Houses of Parliament. With the dissolution of the 13th Lok Sabha, the future of the Bill looks bleak.

It needs however to be pointed out that just as the freedom of the Press is a part of the larger right of all citizens to express their views openly and freely, pieces of legislation about Freedom of Information give the right to obtain information to all citizens. Possibly, the pressmen will make use of the legislation far more than other citizens but all citizens have the right to ask for information about subjects of concern to them.

Like all other citizens the editor, printer and publisher are governed by the law of the land. However, some sections of the Indian Penal Code like the ones on defamation are of particular importance to them. So are some other pieces of legislation. These include the Official Secrets Act, 1923. It was passed at the time when a foreign power was ruling India and used every means to crush dissent. The Act gives sweeping powers to the Government to act against those in possession of what it calls secret information but does not define it. Successive committees and commissions appointed by the Government have called for a total overhaul of the Act but no action has been taken. The only saving grace is that the Government has used the power sparingly and there has therefore not been a furore against the Act.

The Second Press Commission was of the view that section 5 of the Act, which prohibits not only the communication, but also the possession of a whole lot of things like maps, charts, models, articles, sketches, notes, documents, information etc. relating to defence, security and integrity of the country needed to be repealed because it prevented the flow of almost any information to the people from the Government. The Commission felt that the type of information which should be protected as secret should be specified so that the bureaucracy begins to feel that anything and everything which it wants to keep away from the gaze of the public would not get the protection of the Official Secrets Act.

The Commission criticised the present practice where any officer could declare a document as 'secret' merely by stamping it as such. The Commission felt that only the Minister should have the power to decide which information should get the protection of the Act. No action has been taken to review the Act and reduce the hardship that it can impose.

There can be no dispute that there are areas of governmental action where secrecy is necessary and has to be maintained. The decision to decide which information should be considered secret should be taken at an appropriate level. At present it is felt that the courts should decide whether some information really deserves to be considered 'secret'. Cannot the courts also be empowered to decide whether the disclosure of some secret information is in the interest of the public?

The Legislature

The privileges of the legislature and its members in India are fashioned on the lines of the privileges of the House of Commons in Great Britain. When parliamentary institutions were introduced in India during British rule the question arose whether the Councils and Assemblies would have any privileges. By accepting this and much more, if it was conceded it would have meant that they would have the same privileges like the House of Commons, 'back home'. This would have automatically restricted the powers of the executive. The demand was not therefore conceded. When the Government of India Act 1935 came into force and Legislative Assemblies and Councils elected on a wider franchise and with greater powers came into existence, the question of their privilege again came up. The Govenment met the demand, half way. It conceded that the members should have freedom of speech in the Assemblies and were free from any legal action for speeches delivered there. It was also laid down that they would not have the power to punish for any breach of privilege. For this, they would have to move the court.

There was detailed discussion in the Constituent Assembly on the subject. There was unanimity that members of the legislature in independent India should have special privileges yet the problem lay in defining them and the form in which these should be provided for in the Constitution. One suggestion was that they should be defined and included as an appendix to the Constitution. This idea, its seems, was not accepted because state would have set limits to these privileges and it would have become difficult, if not impossible to amend these in keeping with the changing situation. Another suggestion was that the privileges of the legislature in India should be the same as the privileges of the House of Commons in Great Britain. This was rejected on the ground that it would not be in keeping with the dignity of a sovereign nation if it should look to another country for defining the privileges of its legislature. Then, it has to be remembered that the privileges of the House of Commons have not been codified and therefore saying that the privileges would be the same as of the House of Commons would have left things vague.

By the time the Constituent Assembly concluded its deliberations, it had become clear that independent India would continue to be a member of the Commonwealth.

Majority of the members of Assembly felt that there was therefore nothing wrong if the House of Commons was mentioned in the context of the privileges of Parliament because it would have meant acceptance of the fact that the Parliament of India was a sovereign body like Britain's House of Commons. It was therefore decided that till such time as Parliament or other legislative bodies in India did not define their privileges, these would be the same as of the British House of Commons on January 26, 1950, the day on which the Constitution was adopted. But if the British House of

Commons claims any new privileges for itself or its members, the Parliament of India or other legislative bodies will have to pass specific legislation about it. Later, the reference to the British House of Commons was deleted and it was laid down that matters about the privileges would be decided on the basis of earlier judgements. However, since earlier decisions were based on the privileges of the British House of Commons, things continues to be the same.

The press gets involved in matters of breach of privilege of the legislature generally because of misreporting of proceedings. Proceedings of a committee of the legislature are also considered secret. Therefore giving news about them without proper authority or violation of the rules also constitutes breach of privilege.

Clashes between the legislature and the press are generally avoided because of understanding on both sides. Members of legislature are aware that the press discharges an important function in a democracy because it conveys to the people the work being done in the legislature to fulfil the promises made by the leaders at the time of the election. Experienced journalists are equally aware of the important role of the legislature in a democracy. They do not, therefore, knowingly write anything, which might be construed as a breach of privilege. In most cases, therefore, a clash is avoided because the legislature takes a liberal view of the pressmen expressing regret for any inadvertent breach of privilege.

However, when matters come to a head they do so in a big way. *The Hindu* is one of India's most prestigious newspapers known for its balanced views and the moderate language in which it expresses them. In 2003, it published three reports on the proceedings of the Tamilnadu Assembly. The Speaker referred the matter to Privileges Committee of the House because he felt that phrases like 'stinging abuse', 'unrestrained attacks on the opposition', 'fumed', 'incensed', 'Chastisement' and 'diatribe', used at different places in these reports to describe the speeches of the Chief Minister, Ms Jayalalitha on different occasions were baseless accusations, derogatory to dignity of the House and a breach of its privilege. The newspaper angered the ruling AIADMK because it had the temerity to point out in an editorial that the privileges Committee should remember that a breach of privilege occurred only when an attempt was made to obstruct the proceedings of the House. The offending reports and the editorial were referred to the Privileges Committee of the House. With the overwhelming majority of the ruling party in the House and the Committee, the verdict of the Committee was never in doubt. Acting on its report, the Assembly held the newspaper guilty of breach of privilege as it felt that offending articles were derogatory to the dignity of the House. It sentenced five senior journalists of *the Hindu* and the editor of the opposition party newspaper, *Marasoli*, to 15 days imprisonment. Police parties rushed to the newspaper offices and the home of the journalists but could not find them. The six journalists moved the Supreme Court, which stayed the order of the Tamilnadu Assembly.

As was to be expected, the incident caused a furore all over the country. There were protests by journalists in all major cities. This was natural because a big newspaper was involved. Numerous other cases involving small newspapers must be going unnoticed. Mr Ajit Bhattacharjea , Director of the Press

Institute of India, and former editor of *the Indian Express* and *the Hindustan Times* has in this context pleaded for codification of the privileges of the legislature. The legislature has so far shied away from codification of its privileges on two grounds- Firstly for fear that codification will limit their ambit because such a code will set definite limits on the privileges, which are at present unlimited. And who would like to have such limits? The second argument against codification is that matters relating to the Code would be justifiable in a court of law. But then, this is the case even now. Did not the journalists of Chennai move the Supreme Court? And so have journalists on numerous other occasions.

The two Press Commissions set up in independent India recommended that the privileges of Parliament and the State legislatures should be codified as early as possible. It is more than 20 years that the Second Press Commission submitted its report but no effort has been made by the legislative wing of the State to move in that direction.

For a long time, a major contradiction continued to plague the relations between the legislature and correspondents reporting its proceedings. Members of the legislature are immune from proceedings in a court of law for speeches delivered there. But what if the speeches are defamatory? Does the immunity extend to the newspapers reporting them? The correspondent's duty is to report proceedings of the legislature faithfully. However, if he reports these defamatory speeches to his newspaper he can be tried in a court of law. It was the dilemma of conflict between the law of the land, which applied to the journalists as it did to the other citizens, and his duty of giving a fair and comprehensive report about the proceedings of the legislature which was resolved by an Act passed in 1956 by Parliament at the initiative of the late Pheroze Gandhi and came to be known as the Pheroze Gandhi Act. This extended the immunity to the radio and the press if they reported proceedings of Parliament faithfully and without malice. But the exemption was limited to the proceedings of Parliament. Correspondents reporting the proceedings of State legislatures were not covered by the Central Act. They could get immunity only if the State legislature passed a similar legislation.

The immunity from proceedings in a civil or criminal court to the reporting of speeches delivered in Parliament was taken away when the Act was repealed by Parliament during the days of internal Emergency declared in 1975. The Janata Party Government which came to power in 1977 not only restored the immunity but extended its scope not only in terms of content but also to the area of its application. The earlier Act limited the immunity only to proceedings for defamation. The new legislation extended the immunity to faithful reporting of proceedings to a number of other subjects. The Constitution was amended so as to provide immunity to journalists for reporting the speeches delivered by members in State legislatures also. So the freedom of the press is now guaranteed by Constitution to reporting made about the proceedings of Parliament as well as the State legislatures. Needless to say that radio and television also enjoy this freedom.

The Judiciary

Contempt of court is among the subjects listed in Article 19(2) of the Constitution for which the Government can impose reasonable restrictions on the citizen's right of free expression of views. Article 129 empowers the High Courts to punish those who they find guilty of contempt. Article 142(2) empowers the Supreme Court to conduct enquiries about matters of contempt and to punish the guilty. The Constitution also empowers the Parliament and the State legislature to make laws about contempt of the judiciary.

A sea change in the relations between the press and the judiciary in India came about after independence. During the days of British rule the common man in India refused to believe that there was any difference between the executive and the judiciary, particularly at the lower levels of administration at the district level. The police under the District Magistrate launched the prosecution in criminal cases and produced evidence. The Magistrate functioning under the District Magistrate administered justice except in cases, which would be tried only by the Sessions Court. He thus combined in himself all the three roles— prosecutor, judge and jury. Doubts that the executive and the judiciary were only two sides of the same coin were confirmed by the harsh sentences passed against the accused in political cases. Even the judiciary at the higher level was not free from this suspicion.

The Acts passed in 1926 during British rule and the one passed in 1952 after India became free merely defined the British Case law on Contempt of Court. These had many defects. The Sanyal Committee set up in 1960 reviewed the Act of 1952 and its working. A new Act was passed in 1971 based on its recommendations. It gave a complete definition of Contempt of Court by codifying judicial decisions. Contempt was put in two categories-civil and criminal. Civil contempt meant disobedience of the order of a court. Criminal contempt with which the press was more concerned involved publication of matter, which might scandalise or lower the authority of a court; prejudice or interfere with or obstruct the administration of justice. Criminal contempt carried higher punishment than civil contempt.

It has to be remembered in this connection that the restriction about comment on judiciary proceedings applied only to cases which were pending in the courts. Once a judgement is passed, the press is free to comment on it, except when an appeal against the judgement has been filed or is likely to be filed. This is natural because that would mean that the case is again pending before a court. The comment however, should be fair, logical and without malice . As the Supreme Court has observed, "Everyone has the right to comment on the judgement of a court. You can comment on the pen but not on the person wielding the pen". In other words, while one has every right to say that a judgement is bad in law or that the judge's assessment of the facts of the case was not correct, but the press cannot impute any motive to the presiding officer or use language which might scandalise or lower the authority of any court of law.

The law gives protection to the lawyer and the physician by laying down that any communication by a client or a patient is a privileged communication and the court cannot ask them to divulge it. No such protection is available to the journalist or to the person who gives him information on the understanding that he will not divulge the source. Frequently, courts ask the journalist to name the source of a certain item. Respectable journalists prefer to undergo the punishment imposed by the court for contempt rather than divulge the source. The second Press Commission considered the matter.

It felt that 'there is no absolute immunity from disclosing the source of information....... The Press Council Act passed in 1978 however provides that no newspaper, news agency, editor or journalist shall be compelled by the Council to disclose the source or any news or information'. The commission felt that public interest in free flow of information and hence in protecting a journalist's source of information had to receive wide recognition in India. The strength of public interest involved, the Commission felt, would vary from case to case. The recommendation of the commission left matters loose-ended as they were leaving it to the discretion of the court. Five members of the commission did not agree to this. Girilal Jain, Rajendra Mathur, S.K. Mukerjee, H.K.Paranjape and Ishrqt Ali Siddiqui were of the view that only in extreme cases should the journalist be compelled to disclose his source, if at all, and that too in confidence to a judge or a judicial officer. They said that necessary changes should be made in the law if that was necessary.

One aspect of this needs to be pointed out. It may appear at first glance that making the necessary changes would be conferring a benefit on the journalist. The real beneficiary, if that is done, however,would be the person who gives information. As of now, he does so in the belief that no journalist true to his salt would betray his confidence and disclose his name. But there may be cases where the journalist may find it impossible to resist the pressure and disclose the source. If this continues for a period, the source of information reaching the journalist may dry up. Many of the scandals and scams in India and abroad came to light only because someone had the courage to approach the journalist, who on his part, had the courage to expose them. The flow of information reaching the journalist will dry up if the person may fear that his name will be disclosed.

Another gray area about the law of contempt of court is the information reaching the press about a case pending in a court of law. There is clearly a difference between cases pending in civil and criminal courts of law. A civil suit generally is about a claim of damages in which the plaintiff or the defendant stands to gain. What should the press do if it is in possession of information which may effect one party or the other but the public at large also has an interest because its health may be affected by the decision of the court. It is a question of balancing the good of the public against the liability or otherwise of a party in a civil suit winning or losing his claim for damage. The second Press Commission considered the matter in detail. It observed 'at present every publication which however minutely interferes or tends in interfere with a pending judicial proceeding technically constitutes contempt although it does not become punishable unless the interference is substantial. We do not see any reason why a publication should constitute a technical contempt unless it is punishable'.

The Commission had however a different yardstick about proceedings pending before criminal courts. It felt that when a person is being tried for an offence and the press has information that some other person is guilty of the crime, it should place the relevant information before the court though it may lose the advantage of increased circulation through publication of the evidence exclusively. It is difficult to understand the logic of this recommendation. It casts on the press the responsibility of aiding the administration of justice and may result in its involvement in litigation in matters in which it has only indirect interest as part of the public. The easy course would be to publish the information and force the court to follow it up.

THE TERRORIST THREAT

In the previous chapter we discussed the pressures on the press from the executive, the legislature and the judiciary with the intention of curtailing its freedom. To be fair to them, the transgression by them are rare. They know very well that any flagrant violation of the Constitution or the law will not only invite adverse criticism from the press and the public but also from superiors in the case of the executive.

There is one threat to the freedom of the press, which is engineered by people who neither have faith in the Constitution nor respect for the law. This is the threat from terrorists. Violence and terrorism erupted in India soon after the country achieved independence from British rule in 1947. The Communists launched an agitation in the Telangana region of Andhra Pradesh two years later. But it was soon crushed because of swift action by the Government. This had the support of the people, who did not want any movement which might disrupt the unity and integrity of the country. They not only supported the action by the Government but did not mind the passing of the Press (Objectional Matters) Act in 1951 or the amendment of the Constitution to limit in certain cases, the exercise of the fundamental rights by the citizen. They felt that these measures were necessary in the peculiar conditions created in India by factors like the assassination of Mahatma Gandhi and the events of the like.

Things were different when violence erupted in Punjab in the early eighties and spread in Jammu and Kashmir some years later. The violence was not in a far off land but at home. The correspondents themselves generally belonged to the community being targeted by the perpetrators of violence. While therefore the correspondents reported the acts of violence their reports also carried an element of criticism. This was something that the perpetrators of violence disliked. They retaliated in Punjab by stepping up the level of violence and issuing their own code of conduct for the press. The press thus became a target of the terrorists.

Sitting in an air conditioned room far from the place of violence, it is easy to preach courage to the pressman working in Punjab or Jammu & Kashmir. But it is difficult for people actually there to do so and face the consequences. It is therefore to their credit that a large number of media persons stood up to them and paid the price for doing so with their lives. They included Lala Jagat Narayan, octogenarian founder of the *Hind Samachar* group of newspapers, and a former minister in undivided Punjab, his son Ramesh Chandra, and people occupying top positions in the electronic media in Punjab and Jammu Kashmir. Even hawkers of newspapers, whom the militants disliked, were not spared and they could go on their rounds only with armed guards accompanying them. Editors could not afford to risk the lives of their staff and issued the general advice to avoid confrontation with the militants.

The press in Punjab was divided in its response to the threat of terrorism. Some succumbed but many did not. The reaction in Kashmir was quite different. When the members of a particular community living in Kashmir valley migrated *en masse* to Jammu and other places, the journalists also left.

Political, social and economic conditions are different in each country and even in different regions of the same country and so are the reasons, which make a section of the people resort to violence. It is not therefore possible to make a general formulation applicable to all situations. However, the Brazilian, Carlos Marighella in his *Minimanual of the Urban Guerilla,* has summarised the terrorist's strategy in these words, "The war of nerves or psychological war is an aggressive technique based on the direct or indirect use of means of communication or news transmitted orally in order to demoralize the Government. In psychological warfare, the Government is always at a disadvantage since it imposes censorship on the mass media and winds up in a defensive position by not allowing anything against it to filter through. At this point, it becomes desparate, is involved in greater contradictions and loses time and energy in an exhausting effort at control which is subject to being broken at any moment."

It is to the credit of the Indian Government that it has not resorted to censorship to shut publicity to the militants' acts of terrorism. It has depended on informal consultations with the media to ensure that publicity to acts of terrorists, does not encourage such acts. Fortunately, militancy and the attendant terrorism has ended in Punjab. Hopefully, the ameliorative measure taken by the Government may soon see a similar end to militancy in Jammu & Kashmir. However, the basic question remains ; what should be the response of the media to the acts of terrorism? This question has been debated in Western countries also. The views expressed by leaders of governments and pundits of the media cover a wide spectrum of extremes. The former British Prime Minister, Mrs. Margaret Thatcher said that publicity was 'food' for the terrorists and wondered whether terrorists should be denied 'the Oxygen of publicity'. On the other hand some leading journalists were in favour of 'as full and comprehensive media coverage as possible' because they found no evidence to suggest that terrorism would stop if there were no publicity. They even feared that shunning of publicity might make the terrorists push their acts in the hope that this might make the media take notice of their existence.

The truth lies somewhere midway. It is true that the media cannot ignore acts of terrorism just because of the fear that the coverage might mean encouraging terrorism. After all, it is 'hot' news. The coverage has to be there but in a restrained manner.

It is surprising that though India has been facing terrorism for over more than 20 years, there has been no comprehensive debate about the response of the media to terrorism. The Press Council had set up a committee in 1990 to study and report on the conditions in Punjab and Jammu & Kashmir. The Council approved the report of the committee but there has been little follow up action on the acts of violence in other parts of the country like North Bengal, Bihar, part of Andhra Pradesh, or the North eastern States. The press has mainly covered the acts of terrorist violence but there has been little effort to study the reasons, which were the root cause of this kind of violence.

We will be only deceiving ourselves if we do not admit that in many areas the media personnel have had to succumb to the threat of the terrorists and follow their dictates. This should not make us forget that the media also has an educative role to play. There can be no absolute security for any one, media personnel, included. A degree of education is therefore needed to guide the masses about how to behave if they are trapped by the terrorists. Our newspapers have totally ignored this aspect of their duty to society.

Violent Protests

Article 19 of the Indian Constitution gives every citizen the right to express his views freely. The corollary is that every citizen also has the right to express his opinion even if it differs from the opinion of another. In the case of views expressed by a newspaper, everyone has the option of writing to the editor to express his disagreement. If the newspaper does not print his letter, he can approach another paper or write an article expressing his disagreement. He can even organise a peaceful demonstration. The only condition is that the protest has to be peaceful. However the protest demonstration, or a rally at times takes a violent turn. There have been cases where angry mobs at times have ransacked newspaper offices, burnt books and papers and attacked journalists. This is regrettable but much more so in cases where the district authorities turn a blind eye to the acts of violence and the Government in power finds the views expressed by a newspaper unpalatable. They fail to fulfil their basic duty of maintaining law and order and protecting peace loving citizens.

The Pressures from Within

Apart from the Government and the terrorists who put pressure on the press with a view to influence its policy and thus curtail its freedom, there are pressures from within a newspaper also which affects its functioning.

In some respects, the forces exerting pressure from with in are more dangerous than the forces from outside. Firstly, they operate behind the scene and their moves generally go unnoticed by the average reader. There is a hue and cry about any transgression affecting the freedom of the press by the State or the terrorists or other outside agencies. The operations of the forces from within are kept secret by both sides - those who exert pressure will never admit it and the press itself will not admit that it has succumbed to pressure. There is also another point of difference. The threat from the State or any other outside agency is a threat to the press as a class. The nature of the pressure from within differs from one newspaper to another depending on its vulnerability to succumb to pressure, the areas in which pressure is likely to succeed and pliability of those in control. In this sense also the pressures from within are more dangerous than external pressures. Even people working there may never know about the pressure from within. It must however be made clear again that the role of the agencies operating from within is limited to the areas in which its interests are affected. There is generally no difference about the policy of the newspaper on national issues.

Pressure from Advertisers

Many readers including some eminent journalists complain, and rightly so, that in leading newspapers today news is something to fill in the space between advertisements. Important news items are either relegated to some insignificant place or are even ignored. However, the basic premise of the without malice and economics of newspaper publication is advertisements, which not only make newspaper a viable business proposition but even make it survive. Mahatma

Gandhi did not accept an advertisement for the *Harijan*. His personality and his pen kept the newspaper going. After his death, the publishers could not sustain the recurring loss and closed the paper.

In its report submitted in 1982, the Second Press Commission of India said that the revenue from advertisements was 53.92 per cent for big newspapers and just a little less than 50 per cent for medium and small newspapers. The revenue from advertisements has risen steeply since the Commission submitted its report. More and more money is used for advertisements by the Government, and industry, both public and private. Come election time and many political parties put in more and more money, either to publicise the achievements of their Government or to run down the Government if they are in the opposition. According to one estimate, 70 to 80 per cent of the revenue of newspapers published in the four metropolitan towns, Delhi, Kolkata, Mumbai and Chennai comes from advertisements. It is this, which makes it possible for publishers to sell their newspapers at a fraction of the cost price. If this advertisement support were not there, newspapers, which sell at Rs, 2 or 3, today will be sold for Rs. 10 or even Rs.15. How many people will like to pay this price for the luxury of a newspaper without advertisements?

With this dependence or over-dependence on advertisement revenue, a question naturally arises. Do the advertisers exert any pressure on newspapers and if so how much?

The Second Press Commission said in its report "It has been alleged not only in India but in many countries where private enterprise in industry and commerce is allowed, that commercial advertisers influence both the news and views of newspapers. However, not much specific evidence of such pressure came before us. Some witnesses said that small newspapers were more vulnerable to pressure from commercial or other local advertisers than big newspapers." Some people may not like this generalisation but it has to be remembered that small newspapers are far more dependent on goodwill and support of local advertisers than are big newspapers. They may not bend backwards to please them but cannot afford to displease them either.

"It was claimed by the Public Relations Manager of a large industrial undertaking that advertisers do not attempt to exert improper influence. He said that members of the Public Relations Society of India observe a code of ethics which debars the routing of company news through the advertising department of newspaper."

There is unanimity in accepting this profound statement. Yet there is also acceptance of the fact that in practice this principle is violated with impunity almost every day. The difference of opinion is about the extent to which the interests of advertisers and the revenue from advertisements actually affect the editorial policy of a newspaper.

Mr Suhel Seth, CEO of a leading advertising firm has a word of advice for both the print media and the advertisers. He says, 'we advertisers cannot shape the content policy of any newspaper. We have absolutely no right to either direct or create editorial designs, we are in the business of evaluating reach and readership and then defining it as an ideal or not so an ideal medium for our client's brands.' He concedes, 'but what is happening today is shocking. In the hope of seeking continuous media innovations, some junior, rather unintelligent media planning types are even dictating page designs and then forcing the publications to adhere to those. This, to my mind is shocking to say the least.'

The Press Commission did not find any concrete evidence of the pressure exercised by the advertisement manager on the policy of a newspaper. The question arises- is it possible to find any evidence when both sides want to hide it?

In 2003, a leading newspaper published a series of articles on what it called 'The Debates on the State of the Media'. The only ostensible reason for the debate seemed to be that the newspaper was engaged in a bitter controversy with another leading newspaper . Both wanted to prove that their paper was the leading newspaper in the Delhi region. The debate began abruptly and ended as abruptly after nearly a dozen articles by eminent journalists, and people connected with management of advertising agencies were published. Except for three or four articles by journalists, the other articles were mainly concerned with packaging the presentation. In the words of Mr Ajit Bhattacharjea, former Director of the Press Institute of India 'Papers are advertising themselves like commodities. Gifts and prizes are offered to increase the number of papers bought not necessarily read. Rivalry for circulation and readership—vital for advertisement revenue— has generated claims that hurt the credibility of all print media'.

Who is subjected to pressure?

There are some other areas also where pressure is put on a newspaper to change its policy. There was a time when it had become almost a practice to discuss the pressure of the proprietors on the editor. As we will see in a subsequent chapter, the role of the editor has been slowly shrinking. The owner or the executive has practically taken over the eminent position once occupied by the editor. Decisions affecting the economy of the newspaper and therefore its very existence are taken by them. In some cases the proprietors have even become editors themselves. The people who exert pressure are the ones who take major decisions and also ensure that the decisions are carried out. The Editors of an independent bent of mind who lived in the aura of the past have had either to resign or to fall in line.

In a way it is natural that final decisions affecting the economy of paper are taken by people who have a stake in its existence or success. This development may be regrettable but is a corollary to the change in the nature of newspaper publication in India. Many State governments have given land at concessional prices to newspapers for buildings of their offices and printing press. This has helped these newspapers to keep their heads above water. The editors may forget this hard fact but can the owners of the papers do so? Similarly some State governments have allotted flats at concessional rates to journalists. The newspaper proprietors or journalists have accepted these favours willingly and have no reason to complain that they were put under pressure.

The Press Commission's observations in this connection are significant. It said " If the Press is to play its proper role, it should be able to resist not only the external pressure but also inducements which undermine its independence from within. Journalists should be on guard against the temptation to enjoy favours whether from Government authorities, employers, advertisers or others. We refer to availing Government accommodation by journalists at concessional terms and to the disturbing fact that some governments do not bother to collect even concessional rent and the journalists concerned are happy not to pay."

No one can dispute concern for the freedom of the Press that motivated the Commission to criticise the allotment of land to newspaper establishments or living accommodation to journalists. Correspondents on active reporting assignments have to be near the centre of activity. They can hardly afford to pay the high rent in these areas. It seems reasonable to say that improved transport facilities will mitigate their difficulties. But in actual practice this has not been happening.

There is also another aspect. The publication of a newspaper has become a costly enterprise and the costs go up every year. The initial investment runs into crores of rupees and there is little hope of profit atleast for the first few years. Even a medium newspaper employs hundreds of people. In the case of a big newspaper this figure goes into thousands. In the old days most newspapers were one man or one single-family enterprises. The initial investment and the running costs were low and the printer and publisher was also the editor. A closure meant a loss for the owner but it was nothing as compared to what it is today. The Editor-proprietors could those days take a decision about closure but can a owner who has sunk crores of rupees write off the initial investment as a loss? What will happen to the employees who will be thrown out of employment? They naturally trim their sales according to the direction of the wind, rather than risk a closure and the attendant loss of money and the loss of face. Except for one or two large newspapers, the others accepted the rigours imposed by the State of Internal Emergency declared in 1975. By and large, it was the small and medium newspapers, which took up the challenge. All credit to them but one has to remember that the stake in their case was not high, at least in financial terms.

THE ENDANGERED SPECIES

There was a time not long ago when there was a close link between a newspaper and its Editor. Mention the one and the other immediately came to mind. Such a link was natural if the newspaper was run either as a one man enterprise or by a family. The Ghosh family, the proprietors of *Amrita Bazar Partrika*, the Sarkar family of the *Anand Bazar Patrika* and the Kasturi family of *the Hindu* are some examples, Even in other papers where the editor had no direct link with the proprietor, the name of the editor came to be associated with a particular newspaper. Some examples of this will suffice. Devdas Gandhi and *the Hindustan Times*, Natarajan and *The Tribune* A.D.Mani and *the Hitavada*, Sadanand and *the Free Press Journal*, K.Rama Rao and M.Chalpati Rao of *the National Herald*, Baburao Vishnu Paradkar and *Aaj*, N.C.Kelkar and then J.S.Karandikar of *Kesari*, Paruleka and *Sakal* are some examples, which come readily to mind. There are many others.

All these editors worked for the same newspaper not just because of a sense of loyalty but also because they had the same ideals and the same view point on major issues. Where they differed, the differences were either smoothened out or the editor left the newspaper. Even then, they hardly came out in the open. K.Rama Rao was the editor of *the National Herald* from the day it was started. The paper which was then published only from Lucknow stopped publication when the Congress launched the Quit India movement. The

Government took over the building. All attempts to resume publication of *the National Herald* failed because the U.P. Government said that that could be permitted only if Rama Rao was not the editor. Jawaharlal Nehru who headed the Board of Directors did not agree. What had angered the U.P. Government was the scathing language used by Rama Rao to criticise it. The paper came out again in 1945 when the political atmosphere had cleared a little, and Rama Rao was again the editor. The very first editorial was titled "Good Morning Sir Maurice" and gave a detailed account of the excesses committed in U.P. in the three preceding years. No wonder the U.P. Government immediately demanded security from *the National Herald.*

India became independent in 1947 and a change came about both in newspaper publication and Journalism. Before independence most Indian newspaper proprietors felt that the publication of a newspaper was their contribution to the country's struggle for freedom from foreign rule. After freedom, they were left groping for a tangible concrete goal. Secularism, socialism and similar ideas were alright for gathering votes in an election but how could these sustain a newspaper? The Chinese aggression or the war with Pakistan in 1947-48, 1965 and 1971 united the country and gave the press its rallying point. But the basic question still remained what was it that a newspaper should propagate and what message should it spread? Publication of a newspaper became a commercial enterprise bereft of any direction. Newspapers founded by a political party failed as commercial enterprises. Nor did the efforts to run newspapers as a co-operative enterprise succeed. The reader looked at newspapers known to be directly associated with a political party with suspicion. Efforts to run newspapers on a cooperative basis failed because the expertise required to make the newspaper a successful business enterprise was lacking.

The journalistic scenario in India changed completely. It was no more a mission. The professional editor emerged who was no longer bound to the newspaper out of loyalty. He would shift from one newspaper to another, without any hesitation. If the newspapers no longer had a goal, it would be unjust to expect that the editors should cling to values which had become out dated.

Editors of the nationalist newspapers fought for the right to express themselves freely and suffered for it. Englishmen who were editors of newspapers controlled by British vested interests could not demand freedom for India. But in their own way, they fought to expose the incompetence and pompousness of their own countrymen ruling over India. H.E.B. Catley was the last Britisher to be the editor of *the Pioneer*, Lucknow. He commented in his own inimitable style on the pompousness with which the Sahibs made the move from Lucknow to Nainital during the summer season. The Government had said that nothing was to be said in the newspapers about the weather and sudden changes in it. This was a move to deny valuable information to the Japanese troops knocking at India's eastern border. One day *the Pioneer* published a news item somewhat on these lines: The streets of Lucknow were littered with leaves, many trees and telephone poles lay on the roads and electric supply was disrupted in several areas. Was there a storm? Hush the censor is listening.

There was a famine in Bengal in the mid-forties of the last century. The Government had impounded the boats, which were the principal means of transport of goods in the province. There was food but no means of transporting it. People were starving and the streets of Calcutta (now Kolkata) were littered with dead bodies. The nationalist press kept quiet because of fear of repression by the Government. Arthur Moore an Englishman was the editor of *the Statesman*. He gave a graphic account of the famine and published pictures of dead bodies lying on the streets. He knew that action by the Government was bound to come, as it did soon, but this did not deter him from performing his duty of writing about the famine.

Emergence of the Editor as a Separate Entity

There was no question of a rift between the publisher and printer on the one hand and the editor on the other, so long as they were the same persons or were bound by family ties or shared values. The conflict of values and interests arose when the editor emerged as a separate entity and began asserting his views about the policy of the newspaper. K.Rama Rao resigned because of this conflict. Another instance highlights the respect that proprietors of an earlier era had for the editor . Babu Shiv Prasad Gupta of Varanasi was a great philanthropist and was for sometime the treasurer of the Congress. Many meetings of the Congress Working Committee were held in *Sewashram*, his farm house on the outskirts of the city. He was the proprietor of the Hindi daily *Aaj*, which had under the editorship of Baburao Vishnu Paradkar become the beacon light of the Hindi Jouranlism. The paper was running at a loss and Gupta's determination kept it alive. The story goes that one day he sent a news item for publication in the newspaper. The editor returned it on the ground that it was against the policy of *Aaj* to publish it. Gupta sent it as an advertisement but this was also returned for the same reason. He then had handbills printed which told the whole story. But he recognised that as the editor of the newspaper, Paradkar's decision was final not only in the selection of news but also of advertisements.

Another instance is even more revealing. The proprietor-editor of the *Amrita Bazar Patrika*, Tushar Kanti Ghosh generally lived in Calcutta. The management of the Allahabad edition of the paper when he was away was in the hands of a committee headed by the News Editor, Pramod Kumar Sen. When news about the assassination of Mahatma Gandhi came on the teleprinter, Sen decided that the paper's issue the next day would carry no advertisements. The management and particularly the Advertisement Manager were taken aback. They pointed out that the sales were bound to go up the next day and it would therefore be unwise to print no advertisements and lose the revenue. Sen resisted their pressure. He stuck to his stand. The next day's eight page newspaper carried news about Gandhiji, articles about him and tributes from all over the world. The paper was full of pictures of Gandhiji. The demand for more copies came from almost all centres, in some cases far beyond expectation. It became a collector's item. Sen's argument was simple— how can the newspaper, even think of making money from advertisement and exploit the assassination of the Father of the Nation for commercial purposes?

The picture today is different. The Second Press Commission said in its report "As part of the managerial hegemony in most newspapers it has become the practice for the acceptance of advertisements and their display on various pages, including the front page, to be the sole responsibility of the advertisement manager or business manager. It is only in a few instances that we were told that the editor has and does exercise the right of veto in an advertisement which is objectionable..... In most cases the editor had come to be responsible only for the non-advertisement columns. (News as a wag put it is what they put in between advertisements). In some widely circulated newspapers which devote more space to advertisements than to news, analysis and comment, the editor has thus come to occupy a secondary place in determining the newspaper's contents."

The Commission was unhappy at the denigration of the position of the editor. It observed "Newspaper proprietors today dislike editors and editorial writers of strong personality. They prefer that their own personalities should be served by expert scribes who can be trusted to advocate whatever view the proprietors may wish to proclaim. In the old days many proprietors cared not only for the freedom of the press— that is the right of the press to say whatever they thought the public interest required, without interference from the Government— but they also cared for freedom as good in itself. Today they appear to care little for freedom in itself and do not perceive that by placing the press in bondage to financial or 'commercial' interests they are helping destroy journalism and to undermine public freedom."

Too many caps, but where is the head ?

There was a time when journalists used to laugh at the multiplicity of designations in the Government. They can do so no longer. Formerly, there was the editor and under him the Assistant Editors, the News Editor and the reporting and editorial staff to assist the Editor. It was a well defined structure, small and compact where every one knew his duty, his responsibility and his limitations. We have today the Editors-in Chief, Chief Editors, Executive Editors, Resident Editors, and editors with other high sounding designations. This gives rise to strange situations far beyond the understanding of the common reader. For example, the Resident Editor of a prestigious newspaper published from the national capital once said that he had no control over the editorial page which had a separate editor. Hindi newspapers were not to be left behind in coining new designations. A leading Hindi newspaper had *Sampadak Vichar* (editor Views) and *Sampadak Samachar* - (editor News). One wonders: could the two functions— expression of thought and ideas through articles and the coverage of news through various news columns be separated like this? Both had to be called editors because both claimed to be of equal rank. And horror of horrors. One leading newspaper has an editor not for the Delhi city or region but for the Delhi Market.

The mushrooming of editors having different designations is sought to be justified on the ground that the work has increased in volume and is more varied in nature than before and it is impossible for one person to oversee everything. The coverage of news has entered new areas and a newspaper is now printed from as many as 25 places. But so has the work load in other organisations in the Government and the industry. The problem is handled by a proper delegation of authority and supervision. Why should the yard-stick be different for a newspaper?

The matter is not purely of academic value but also has a practical aspect. The Press and Registration of Books Act gives this definition; "Editor means the person who controls the selection of matter that is published in a newspaper.' The mushrooming of 'editors' is a practice of recent origin and was not envisaged when the PRB Act was passed in 1867. The Act also prescribed among other things that 'every copy of a newspaper shall contain the names of the owner and editor thereof printed clearly on such copy and also the date of its publication'. The idea that more than one person can control the selection of matter published in a newspaper could hardly be envisaged in 1867 when the publication of newspapers in India was in its infancy. If the names of editors having different designations are published in a newspaper can they escape responsibility by claiming that only the editor can be proceeded against for matter published in the newspaper? Could they have their names published as 'editors' but refuse to accept responsibility?

The matter came up before the Supreme Court in appeals filed by persons who were Managing Editor, Chief Editor or Resident Editor of their newspapers and were proceeded against for matter published in their newspapers alleged to be defamatory. They maintained that only the person whose name was printed as the editor could be proceeded against. The Supreme Court refused to accept this view. It ruled that "There is no statutory immunity against the Managing Editor, Resident Editor, Chief Editor against any prosecution for the alleged publication of any matter in the newspaper over which these people exercise control...... There could be a presumption against the editor whose name is printed in the newspaper to the effect that he is the editor of such publication and that he is responsible for selecting the matter for publication. Though a similar presumption cannot be drawn against the Chief Editor, Resident Editor or Managing Editor, nevertheless, the complainant can still allege and prove that they had knowledge and they were responsible for publication of the defamatory news item.... Some body other than the editor can also be held responsible for selecting the matter for publication in a newspaper." The appeals by the editors were accordingly dismissed.

Commercial Versus Editorial Considerations

In countries like India where publication of newspapers is in private hands, a clash between editorial and business viewpoints is inevitable. Most big newspapers in India are in the hands of industrialists and businessmen. They have no direct interest in publication of a newspaper except that it gives them a powerful medium and tool to further their other interests and also gives them the necessary clout to influence public opinion. Their interest naturally lies in ensuring that the huge investments they make in the newspaper gives them full returns.

The editor and those working in the editorial department not only want the newspaper to survive but also prosper because that alone would give them security of service and advance in the profession. But they feel that this can be ensured not by running after more and more profits but by following certain principles and building credibility of the newspaper. How does one reconcile these conflicting interests? The Second Press Commission which considered the question observed, "Commercial considerations ought not to override editorial consideration. The freedom of the owner is only a part of the freedom of the press. The owner has the basic right to have his point of view expressed through the newspaper. In the case of a large newspaper operating in modern conditions, this right of the owner should not extend beyond laying down the policy of the newspaper and the appointment of an editor of his choice. But the editor chosen should be a man of known ability and integrity and should have sufficient authority to conduct the newspaper in public interest while following the policy laid down by the owner."

No one can disagree with this profound enunciation. However, differences arise between the owners' 'viewpoint of public interest' and running of a newspaper according to the policy laid down by them. Both Press Commissions, the first set up in 1952 and the second in 1977 wanted the editor to be insulated from the management by making him independent of persons responsible for the economic administration of the newspaper. The Commission also recommended that in large newspapers a board of trustees of eminence should be set up to arbitrate in disputes between the proprietors and the editor. This recommendation of the Commission has to be implemented.

It is interesting to look at the relations between the proprietor and the editor in some foreign countries. Once again, the Scandavian countries have taken the lead in ensuring that the editor has independence in the discharge of his duties. Leading Associations of Journalists in Norway has defined the relationship between the proprietor and the editor as one where within the framework of the policy laid down for a newspaper by its owners, the editor is given the freedom to maintain his own opinion though they may not some in cases be shared by the publisher or the management. This places on him the sole responsibility for the editorial content of the newspaper. The definition also says that the editor must not allow himself to uphold opinions, which are contrary to his concern and conviction.

The editor of the Swedish Liberal newspaper Dagens Nyheter is required under the terms of his appointment to consult the Chairman of the Board of Directors on major political matters. It is also stipulated in the constitution of the newspaper that it is the opinion of the editor and not the chairman that will prevail. Political matters are not discussed at meetings of the Board but are determined by the political staff of the newspaper. The leading conservative newspaper *Svenska Dagbladet* generally follows the same policy.

In Britain, independence of the editorial policy is guaranteed to the editor of *the Guardian* and *the Manchester Evening News* under the Scotts Trust. In *the Times*, control of policy rests with the proprietors formally but in practice, the authority and independence of the editor is virtually absolute. The editor of *the Observer* is similarly protected. Yet many large commercial newspaper enterprises do not give the editor such independence. In the case of the *Times* the Government laid down stringent conditions to ensure independence of the editors while allowing Mr Rupert Murdoch to assume control of the newspaper. These include the appointment of six independent national directors. The appointment of any independent national director cannot be made without the approval of existing directors. A majority of independent national directors have to give their approval before an editor is appointed or dismissed. The editor is to be solely responsible in expressing views in reporting of political matters.

The Position in India

In its report submitted in 1953, the First Press Commission noted a decline in the position of the editor;

particularly in daily newspapers. Unfortunately during the 50 years since the report was submitted, this decline has gained momentum. Noting this, the Second Press Commission said in its report: "We find that by and large, the policy of the newspaper is now reduced to writing and if there are differences of opinion between the editor and the proprietor over a matter of policy the former is obliged to quit. The status of the editor varies from paper to paper, and in many cases it is not what it should be. It appears that in many cases editors do not have enough say in the selection and appointment of journalists staff and assignment of professional duties to them."

Many editors have admitted that things are no longer what they were in the old days and the proprietor is all the time breathing down their neck and giving instructions in matters that come within the jurisdiction of the editor. Many publishers or the persons who hold or control the shares have become editors. Newspaper chains having several editions and published from a number of centres have come into existence particularly in the Indian language press. These newspapers are published by the same person or one family. It is true that the tradition of newspapers run by the same person or family have always been there. However things are not the same now. The earlier generation of proprietors had values which they cherished. Now profit is the motivating force behind most of the proprietors. The interest in politics of the earlier generation was centred round the policies of political parties. Today the motivating force is to gain the leverage for promoting their other business interests or their patrons in politics.

Many newspapers including some old and prestigious publications have given up having independent editors with their own independent views. The danger is far more serious in Indian language newspapers. The question naturally arises: will the species, which is now endangered soon become extinct? The writing is on the wall for anyone who cares to see. Today, the newspaper has to become a modern media product. For this, from being totally editor-driven, it has to be restructured and recreated to become a modern contemporary paper.

THE PROPRIETOR MOVES CENTRE STAGE

The newspaper in India has changed a lot in the years since independence. Circulations have soared, so has the advertisement revenue. The standard of printing has improved much more. Yet many an old timer miss the newspaper of earlier times. The newspaper is much more commercialised and the emphasis is not so much on the contents as on the production and presentation.

The changing perspective is reflected in the issues discussed and the recommendations of the two Press Commissions. The first submitted its report in the mid-fifties and the second in the early eighties of the last century. The recommendations also reflect the change in the Indian economic scene. The first report was submitted less than a decade after India became free. Newspaper publication, which was motivated by idealism during the days of the Freedom Struggle, was getting slowly commercialised, though it had not yet become an industry. Freedom had opened avenues for Indians to embark upon new and challenging enterprises in commerce and industry. A newspaper in hand helped in promoting these. But the king pin of the newspaper was still the editor. The decline in his importance had however started. The question was being asked what should the relationship be between the editor and the proprietor. So far the relationship had been free of tension because both were motivated by a spirit of idealism. Journalism and newspaper production were both considered a mission.

All this was changing. The question that now puzzled the public mind was how the two should be woven again into a good lasting fabric where the legitimate interests of both are protected– the desire of the publisher to earn a profit and the editor's concern for ethics of the journalistic profession. It is easy to define the relationship between the proprietor and the editor in words but difficult to translate it into action. The first Press Commission stressed the importance of the independence of the editor. It said, "We are convinced that unless the contents of a newspaper are directed primarily by the person who is responsible for such contents and for little else, it would be impossible to bring about an improvement in the standards of newspapers. We therefore feel that the independence of the editor, which has declined both in respect of general editorial policy and of day to day policy, should be re-established....... Unless the editor is solely responsible for all that is printed and is also placed in a position to act independently, it would not be possible for him to resist pressures which generally act contrary to public interests. It is possible for such pressures to be exercised directly on the editor, as for instance the case of political pressure. But in the majority of the cases, the root causes are economic, and we are, therefore, of the opinion that the editor has to be independent of the people responsible for the economic administration of the paper i.e. the proprietor or his agent or representative, the Managing Director or the General Manager."

The Commission went into detail to define the relationship between the owner and the editor. It observed, "We do not deny to the owner or proprietor to have his point of view expressed through the newspaper. This right has been admitted by almost all the journalists to whom we have addressed the questions, and needless to say has been emphasized by the proprietors also. What we are anxious to avoid is however the transformation of the editor into the 'literary agent of the proprietor', as one political leader is reported to have phrased it. Presuming as we do, that the person who is appointed as the editor has in addition to the background knowledge and experience required of every journalist, a certain amount of experience of work as a journalist and, in addition, integrity of thought and purpose of a high degree. We consider that when the proprietor chooses him for appointment he should also delegate to him a measure of individual authority, which would enable him not merely to carry out policies of the proprietor in the most effective manner but also to resist any attempt to divert the policy of the paper in anti-social directions, however well calculated, to serve the individual advantage of the proprietor."

The Commission added, "We consider it, therefore natural that before they take up their duties, the editors should be enjoined to follow the general policy of the paper. Where the paper has been in existence for a considerable number of years, the editor would be aware not merely of the policy but also of the traditions of the paper which it would be his responsibility to maintain. With a view to stabilise and define the editor's ultimate responsibility in the conduct of a newspaper, we recommend that the appointment of an editor should invariably be attended with the execution of a contract of appointment laying down the general policy of the paper in as precise terms as possible."

It is clear that as far back as the fifties of the last century, tensions between the proprietor and the editor had begun to emerge. It is true the industrialists had entered the field of newspaper publication even before independence but there was an important difference. Earlier generations of the Birlas, Sahu Jains and others like them certainly wanted profits, yet at the same time they also knew that the credibility of the newspaper went a long way in making it a successful venture. This was something that only the editor and the team working under him could earn. Their behaviour towards the editors was polished and suave. They did not interfere in the working of the editorial department directly. People who had worked as editors in the newspapers of Ramnath Goenka were of the view that his bark was worse than bite. He knew everything to the smallest detail about the various departments of the newspaper, knowledge which he had acquired over decades. But even he did not interfere with the working of the editorial department.

It may appear that the Commission was stating the obvious when it said that before taking over as editor, the person concerned should be enjoined to follow the general policy of the newspaper. In the case of newspapers of long standing he has to maintain traditions built over a long period. This is not as simple as it seems. Newspapers like *the Hindu*, *the Hindustan times* and others have a tradition and culture of their own which no new editor having all the experience and learning in the world can be allowed to change without the concurrence of the proprietor. If there is a clash it is the editor who has to go.

Newspaper proprietors and editors of an earlier era had a healthy working relationship of mutual respect and understanding on both sides. The proprietors respected the editors and the values they cherished. The editors on their part realised that their own future and the future of those working under them depended on the success of the newspaper financially. They understood the compulsions of the proprietor and at the same time they were people of great integrity who could stand up if they felt that their freedom was being violated.

The Scene Changes

Things had changed by the time the Second Press Commission submitted its report. A new generation of newspaper proprietors had taken over from the old guard. They wanted to make use of the newspaper as an instrument to earn more and more profits and as a tool to help their patrons in political parties and promote their other interests. This new generation of newspaper proprietors neither had the sophistication of the earlier generation nor the necessary experience. They had however taken the cue from the international press baron, Rupert Murdoch, who had acquired control of *the Times*, London, and said about its editor, Harold Evans: "He thinks it is his newspaper; it is mine." India's Second Press Commission said in its report "Market considerations have become the prime determination of newspaper content. Some are partial in their presentation of news in respect of financial interests with which they are allied, biased against certain individuals and timid in exposing the shortcomings of those in power and authority. There is also a tendency to suppress facts, which are unfavourable to their interests. Newspaper proprietors dislike editors and editorial writers of strong personality. They prefer expert scribes who can be trusted to advocate whatever views the proprietors may wish to proclaim. In the old days many proprietors cared not only for the freedom of the press— that is the right of the press to say whatever it thought the public interest required, without interference from the Government—but they cared for freedom as good in itself."

These are harsh words. Yet they give a true picture of things as they exist today. Many newspaper owners and publishers have 'strayed' into their positions either by inheritance or by accident. They have no experience and little desire to profit from the experiences of others. It is indeed sad to find that 50 years ago, the First Press Commission had visualised the situation that would arise today. It noted that there had been instances of harmful interference by owners: dictation of day to day policy in reporting and editing of news leading to overemphasis of one side of a picture or blocking out or distortion of the other side; boosting of the owners or their business activities! resort to sensationalism to satisfy the owners' anxiety to earn greater profits.

Continuing in the same vein, the Second Press Commission said that "editorial functioning should be insulated from proprietorial pressure irrespective of whether such pressure is exerted on behalf of private business interests or on behalf of governmental authorities."

The political scene in India had gone through two cataclysmic changes between 1954 when the First Press Commission submitted its report and 1982 when the Second Press Commission did so. A new Government formed by the Janata Party assumed office in 1977 and decided that there was a need for Second Press Commission. However, it was thrown out of power in the election held in 1980. The

Chairman and the members of the Commission resigned and the new Government reconstituted the Commission. The terms of reference largely remained the same but the reconstituted Commission was more concerned with the effect of people having other interests gaining control of newspapers. The question of proprietor- editor relationship received comparatively less attention.

Big Business and Newspaper Publication

In an earlier chapter we have discussed the entry of big business in the publication of newspapers. To put it briefly, the Commission found the association of big business with the publication of newspapers harmful and suggested legal measures so that the stake of big business in a newspaper was limited to 10 per cent. Shares in excess of this limit were to be offered in the open market for sale. If they were not sold, an autonomous corporation formed by the Government was to buy them. The scheme was flawed on two grounds. Firstly the proposed legislation would have been difficult to get through Parliament. Even if it did, it was bound to be challenged and possibly struck down in the Supreme Court. This recommendation by a majority of the members was also flawed on another ground. Who will buy the shares of a newspaper after it was known that it no longer had the backing of big business?

The reason given for this recommendation was that the proprietors of newspapers controlled by big business appear to care little for freedom (of the press) in itself and do not perceive that by placing the press bound by financial or 'Commercial' interests they are not only destroying journalistic ethics but also the freedom of expression thus enjoyed by the masses. The press is a prime necessity of society, but when its machinery is concentrated only in the hands of a few, who indulge in practices which are harmful to the health of society, then its freedom is endangered because it is employed for a purpose for which it was never intended. In a system of adult suffrage, freedom of the press become meaningless when it is not known on whose behalf and for whose benefit this freedom is exercised. A beginning was to be made in implementing the proposal for delinking of business from newspaper publication having a circulation of 1,00,000 per day.

Four members of the Commission Mr Justice Sisir Kumar Mukerjea, Shri Rajendra Mathur, Mr. Girilal Jain and Prof. H.K. Pranajape did not agree with the views expressed by the majority about reconstituting the press. These dissenting members felt that measures like delinking the press from other industries may be desirable as part of an overall policy against concentration of economic power but these members found no convincing evidence to support the view that industries with such links had an appreciable influence on the news and views of newspapers. The newspaper industry they felt should not be singled out for delinking it from other industries. Neither did they find any evidence to support the view of the majority that proprietors did not like editors and editorial writers with a strong personality. None of the members of the Commission who were editors have had such experience. They observed, "It would indeed be a short sighted and stupid business magnate who will appoint a sycophant or a stooge as an editor of his newspaper, because that way lies the road to ruin of the newspaper." They were of the view that cases of the appointment of weak editors were not found in the big newspapers but in smaller ones. They agreed with the views of the majority that the policy of the newspaper should be laid down by the proprietor and the editor should be left free to implement it. Also the editor should have complete authority over the recruitment and training and other spheres of work in the editorial department; they were also opposed to creation of the institution of trustees as intermediaries between the management and the editors.

What is the Truth?

At first glance, one is tempted to agree with both the opposing viewpoints— the view of the majority that proprietors having interests in other industries influence the policy of the newspapers they control and the view of the minority that cases of such interference occur much more in the small and medium newspapers than in the bigger ones. All that one can say is that it would be a fallacy to make a general statement of sorts. In both categories there are newspapers where the proprietors do not directly interfere with the editorial policies. And there may be several small and medium newspapers where the proprietors not only interfere with editorial policy but also assess the work done by individual members of the editorial team. Justice P.B. Sawant, former Chairman of the Press Council of India seems to agree with the view that the entry of big business in the publication of newspapers has affected the approach of the press to problems before the country. He says, "The growing tendency towards monopoly in the print media ought to be a matter of concern to every democrat. This is indeed a necessary consequence of commercialisation of the press and or the philosophy of business. Once the media is bitten by the business bug, it has to adopt its strategy of market oriented growth, The elimination of the rivals by hook or crook, through competition and acquisition is the age old device. Whereas in a democracy pluralist sources of information require diverse ownership of media outlets, the monopoly of the media curtails the sources and the people are served by the same information emanating from sources controlled by the same owners. The other news or the other side of news and views is not available and dissemination of only the specified information is subtly ensured. The regimentation of the mind whether affected by the governmental or private media, is equally detrimental to democracy, which is essentially a Government by debate and discussion and needs pluralist news and views. The monopoly in media is an anathema to democracy. It tends to subvert the democratic process by controlling the dissemination of information. The fourth estate which shapes the foundation of democracy and participates actively in the governance of society has to be democratic in its structure of management and in its operations."

Justice Sawant acknowledges the power of the press in setting the political, economic and cultural agenda, and the dangers ahead. He says, " The language press in particular, has manifested its potentiality in bringing about political changes... The language press even otherwise has gained such enviable power over local politics and affairs that most of those in public life are always found wooing it and gaining its support and using it to beat their rivals. The local journalist had consequently gained in power, prestige and status, and has become a force to count. This gives him privileges while at the same time exposes him to corresponding risks."

This is possibly one of the reasons why Government has not found it possible to implement even some of the non-controversial recommendations of the Second Press Commission. It did not want to stir up the hornet's nest by raising any problem, which might even remotely disturb the functioning of the press. Nearly thirty years ago, the Indian Federation of Working Journalists took up the question of restoring the independence of the editor and separating big industry from newspaper publication. Newspaper proprietors naturally opposed the move on the ground that it violated Article 19 of the Constitution. Political changes, which came about in the mid seventies, made it impossible to make any progress.

WHO ENJOYS THE FREEDOM?

In previous chapters we discussed the concept of the freedom of the press - how it occupies an important place in a democracy because it keeps the citizenry well-informed on local, national and international affairs. It helps the citizen in arriving at a logical conclusion, take the right decision at the time of the election and decide who should be entrusted with the Government of the country. We also discussed the concept of the freedom of the press as it developed in India and elsewhere; how and why autocratic regimes, political, religious or deriving their power from heredity, found the concept of a free press not only inconvenient but also dangerous because it threatened their very existence by raising awkward questions to which they had no answers.

The press is a nebulous entity. It includes the owner, editor and the staff working under him, the large army of managers with different designations responsible for circulation, advertisements, accounting and administration. The question naturally arises— who exactly among them enjoys the fruits of the freedom—the proprietor, the editor or the managers of various departments in the administration? Or is every member of the staff free to enjoy the freedom?

There will be total chaos if every reporter, sub-editor, assistant editor or even the editor feels that because the press is free, he can write whatever pleases him, and publish it. All of them have to follow the policy of the newspaper and maintain its traditions. But then, the question arises—a newspaper is supposed to be an open market of views of varying shades and if everyone in the paper is expected to follow a certain policy, will it not make the matter published in it uni-directional, keep out different viewpoints and thus impose a degree of internal censorship, which is anathema to a free press?

There is some force in this argument but not enough to make it convincing. If a newspaper were to publish a wide spectrum of conflicting views, the overall impression on the mind of the reader will be one of confusion; one thought will cancel out the other. He will not be able to come to a conclusion. An example of this is the practice of a big newspaper published from the national capital of having two articles contradicting each other on the edit page every day, as the second and third editorials.

The conclusion is one of confusion. The question remains— is it not the duty of the editor not only to make the reader think but think on certain plausible lines? It is therefore, that a newspaper publishes news reaching it from diverse sources— news agencies, official spokesmen and the paper's own correspondents. The only criterion is that the news must be authentic. There could be two versions of a newsitem reaching a paper contradicting each other but the newspaper publishes both attributing them to the source from which they have emanated. The rest is left to the value judgement of a reader regarding a particular news item.

However, the attitude had to be different where views are concerned. A news item gives the facts and offers no opinion. The views convey an opinion and an assessment. These views may be emphasised differently but cannot be at variance with the policy of the newspaper. To give an instance, during the days of the Freedom Struggle in India, nationalist newspapers published official statements and the speeches of the Governor General and others, as news items but even the remote idea of publishing articles giving an indication of continuance of British rule in India was unthinkable for them. The articles that they published had to be within the parameters of the paper's policy.

The Policy

The general policy of a newspaper is laid down by the owner. It cannot of course be a static policy and has to undergo changes according to the situation. But these changes have to be gradual and not sudden. A sudden reversal of policy raises questions about the credibility of the editor. To site an example, during the tenure of an Indian premiere, a leading English newspaper published from the national capital and several other centres not only criticized his policy but went to the extent of even questioning his ability to lead the country. Suddenly one day, the eminent editor of the paper made an about turn and said that in the circumstances then prevailing in the country the Indian premiere in question was the best bet. Many readers wondered if the 'change of heart' of the editor was genuine or it was a change of heart of the proprietors!

The First Press Commission had said that the editor should be made fully aware of the policy of the newspaper and its tradition and should work within the parameters of the policy. But beyond this, the editor should be left free as to the best way in which this can be done. He should also be left free to handle matters like the recruitment of the editorial staff and postings in the editorial department. Fifty years ago, when the First Commission submitted its report revenue from advertisements was nowhere what it is today and the advertisement manager had not reached the important position that he occupies today. The question therefore is relevant: how much control should the editor have on advertisements.

The relationship between the proprietor and the editor is in many ways similar to the one between the owner of a ship and its captain. The owner charts out the general policy indicating the cargo on board and the ports of call. However, once the ship is on the high seas, the final decision is left to the captain who is generally called the Master of the Ship. This was more so in earlier days when there were few means of contacting a ship on high seas. Today this is not so but still it is only when the captain is in doubt that he seeks instructions from the owner.

This is an ideal relationship yet in practice in some of the bigger newspapers, the proprietors or his representatives have been taking over functions, which fall legitimately within the sphere of the editor's responsibilities. Needless to say that often this creates tensions. It is the editor who has then to eat the humble pie. The position is worse in the medium and small newspapers. Here many proprietors also don the cap of the editor. Even when this does not happen, the editor is generally at the mercy of the proprietor.

Authority without Accountability

This has created a strange situation. The proprietor has all the authority over the newspaper but there is no accountability. If there is a crisis, it is the editor who is questioned. The proprietors are quite happy with this situation and the journalists or the editors are in no position to protest. It is not easy to procure a position at a higher level and the editor who resigns because of differences with his proprietor finds it difficult to get into another newspaper because the other proprietor is not prepared to take the risk of employing him. Something has to be done but how, is the question.

Interference may be Dangerous

Experience has shown that any action by the Government, how so ever well intentioned, is resented by the media. A case in point is the decision of the Government during the days of internal emergency declared in 1975 to merge the four news agencies—*Press Trust of India, United News of India,* and the Hindi news agencies, *Samachar Bharati* and *Hindustan Samachar* and form a single news agency *Samachar*. The first two had managed to keep their head above water but the Hindi news agencies were in serious financial difficulty. The question was also relevant—could the country afford to have four news agencies? The merger gave the country a single news agency, as other countries have. But the manner in which this was done raised serious doubts about the real intentions of the Government.

The Janata Party made it an election issue and when it came to power restored the condition as it was before the merger. The result was that things were back to square one. Thanks to the subsidy from the Government for a few years, the Hindi news agencies managed to continue for some years but soon folded up.

Because of this background any move by the Government to resolve the question of proprietor-editor relationship would be viewed with suspicion certainly by the proprietors but even the journalists. The main issue—restoring the independent position of the editor would soon be forgotten.

Initiative must come from the Media

Some one might ask the legitimate question- why is it so important to restore the independent position of the editor? What is the harm in the proprietor exercising the authority over the editor? The answer is simple. The editor has some principles to follow and a tradition to maintain. The proprietor on the other hand has no such compulsion. His aim could be profit - making. It does not matter to him that in his quest for profit, he might hurt the credibility of the newspaper and its circulation. This might result in a fall in the revenue from advertisement. Which advertiser would continue to advertise in a newspaper with no credibility and falling circulation?

That is a long term view which only a few proprietors may take. The others may be interested in quick profit. This is a subject for consideration by the Third Press Commission as and when it is formed.

In the days of the Freedom Struggle the publishers of the nationalist newspapers felt that publication of the newspaper was their contribution to the struggle. Once the country became independent, this goal was no longer there. Newspaper publication became an industry. The tendency naturally was to treat the newspaper as a product. The main concern of the newspaper publication was securing advertisements and increasing sales. The editor naturally lost his place as the focal point in a newspaper. His place was taken over by proprietor or his representatives in the management.

The commercialisation of newspaper publication has resulted in problems of national importance being ignored. There is the need to amend the Representation of People Act and if necessary overhaul it totally so as to make democracy really meaningful. At present some of the larger constituencies of the Lok Sabha have more than three million voters. Can a candidate approach them within the funds the Election Commission allows him to spend on his campaign? And once elected, can he remain in touch with this huge electorate? There are many other such problems which the newspapers are silent about.

In most cases, the newspaper does not touch these problems because the way things are, suits them and the class of people with whom they have developed close links. Who cares about the role of a newspaper to inform, educate and entertain the reader? The newspapers have almost ignored their role as an educator. This is because profit has been the main motive behind their acts. The role of the press as a public utility is ignored. One result is that the editor and the editorial have lost the importance that they once had. As for the values that fortunately most journalists still cherish, the approach otherwise is to call these 'ethical rubbish'. The freedom of the press is no longer freedom of the editor to express his views freely but to reflect the views, the likes and dislikes of the proprietor. It is interesting to note that both the majority and the dissenting minority accepted the ascendancy of the proprietor and his ability to influence the editorial policy. Where they differed was, where was this more rampant? The majority maintained that the tendency was much more prevalent in the big newspapers. The minority were of the view that smaller newspapers were more influenced by the views of the proprietor in their editorial policy than the big newspapers.

Role of the Press Council

Could there be a way out? One way could be to involve the Press Council. Not many may care to remember that the first two objectives of the Press Council are to help newspapers and news agencies to maintain their independence and to build a code of conduct for them in accordance with the professional standards. In its two incarnations, first under the Act of 1965 and then under the Act of 1978, the Council has contented itself by merely considering the complaints brought before it and thereby giving a verdict. The Government has been unwilling to give the Council more powers. The Council on its part has not found it necessary to tackle the first two objectives, which are basic to an independent and free press.

Council has to be Activated

The Council has not been very effective in handling the basic issues. This resulted in its abolition in 1975. The revival in 1978 has not helped in the long run and the Council has continued its practice of merely hearing and giving a verdict on complaints brought before it.

The others way could be the editors as a group approaching the Council for looking into the basic role of the editor and the proprietor. This can take the form of a 'public interest petition'. The Supreme Court not only entertains such petitions, what is more important is, it takes *suo moto* notice of violation of the Constitution or the law. There is therefore no reason why the Council should not entertain a similar public interest petition by the editors. The Council, while doing so, will surely be treading a rough path as the newspaper proprietors are bound to oppose any move to define the role of the proprietor and that of the editor because this will mean reduction in their powers, which are presently undefined and therefore unlimited.

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Freedom of the press, is undoubtedly the corner stone of democracy. It may appear to be a simple proposition but encompasses a wide range of issues not very easy to understand.

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